

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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

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

The Clerk read the resolution as follows:

H. RES. 886

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

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

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend

and colleague from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

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

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

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

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

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

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

Ryan-Stenholm bipartisan Expedited Rescissions amendment received 174 votes on the floor, including 45 Democrats, one of which was the ranking Budget Committee member.

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

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

but upset the delicate balance of power that our Founding Fathers crafted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. CRENSHAW. Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for the dialogue.

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

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

It is fitting that we are talking about the line item veto when we are doing the estate tax. President Clinton left you guys an estate of \$5 trillion, and

like irresponsible relatives, you went off and blew it. And now you are saying to the country, like so often serial killers leave notes for the police, as the Son of Sam did, saying, "Help me before I kill again," you are saying, "Help me before I spend again."

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

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

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

□ 1130

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

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

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

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

Every dollar you are going to spend today, tomorrow, and every dollar you spent yesterday and the day before came out of the Social Security Trust Fund. I am sure that America, while you are putting away a rainy day fund on borrowed money, I am sure America is delighted that you are putting away the estate tax on their Social Security

earnings, on their trust fund. You are taking their trust fund that belongs to all Americans called the Social Security Trust Fund and you are raiding it for the trust fund of the heirs of the richest estates in America. What a wonderful example today. What a wonderful example for young people to learn about our obligations to future generations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Congress to address spending in a responsible and a reasonable manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

are voting on in this rubber-stamp Congress?

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

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

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. CHABOT. I thank the gentleman for yielding.

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

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

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

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

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

In addition, Mr. RYAN's legislation addresses the constitutional concerns

that were raised by the 1996 line item veto bill, and gives the President only the authority to recommend to Congress that it rescind money, and it provides for an expedited procedure for doing so.

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

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

Mr. PUTNAM. I thank my friend.

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

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

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

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

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

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

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

strides toward imposing a culture of fiscal restraint in Washington.

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

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

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

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

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

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

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

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

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

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

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

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

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

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

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

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

□ 1200

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

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

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

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

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

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

against the virtual elimination of the death tax and against giving this President the limited power of a line item veto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

It will be used in a partisan manner.

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

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

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

pointed out in article I of the Constitution.

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

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

□ 1215

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 2. Immediately upon the adoption of this resolution, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5687) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to reconsider with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the

opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

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

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

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

Mr. PUTNAM: Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

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

Adoption of H. Res. 885, if ordered;

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

Adoption of H. Res. 886, if ordered.

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

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

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

The Clerk read the title of the resolution.

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

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

[Roll No. 308]

YEAS—226

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