

AMENDMENT TO H. RES. 457 OFFERED BY MS. FOXF OF NORTH CAROLINA

After "except those printed in the report of the Committee on Rules accompanying this resolution" insert "or contained in section 3 of this resolution".

After "shall not be subject to a demand for division of the question in the House or in the Committee of the Whole" insert ", except as provided in section 2".

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

SEC. 2. The amendment printed in section 3, if offered by Mr. Terry of Nebraska or his designee, shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent. All points of order against such amendment are waived.

SEC. 3. The text of the amendment is as follows:

Page 50, after line 16, add the following new title:

TITLE VIII—ASSISTANCE TO MOTOR VEHICLE DEALERS

SEC. 801. ASSISTANCE TO MOTOR VEHICLE DEALERS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

“(34) MOTOR VEHICLE DEALERS.—

“(A) In general.—The Administration may provide loans under this subsection to motor vehicle dealers for the purchase of motor vehicle inventory.

“(B) AMOUNT.—Notwithstanding any other limitation on the amount of a loan under this subsection, the maximum amount of a loan under this paragraph shall be \$20,000,000 and the Administration may participate in a loan not exceeding such amount in the manner described in paragraph (2).

“(C) MOTOR VEHICLE.—For purposes of this paragraph, the term ‘motor vehicle’ includes passenger automobiles, tractor-trailers, motor homes, motorcycles, motorized heavy equipment, and motorized agricultural implements.”.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the

opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

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

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

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

NIGHT OF THE LIVING DEATH TAX

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

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

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

And that is no doubt why the Obama Administration wants to make sure it never hits zero. It doesn't seem to matter that the vast majority of the money in an estate was already taxed when the money was earned. Liberals counter that the estate tax is "fair" because it is only paid by the richest 2% of

American families. This ignores that much of the long-term saving and small business investment in America is motivated by the ability to pass on wealth to the next generation.

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

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

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

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

Mr. POLIS. 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 yeas appeared to have it.

Ms. FOXF. Mr. Speaker, on that I demand the yeas and the 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 and clause 9 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: on adopting House Resolution 456, by the yeas and nays; on ordering the previous question on House Resolution 457, by the yeas and nays; on adopting House Resolution 457, 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 SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 456, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 247, nays 180, not voting 6, as follows:

[Roll No. 273]

YEAS—247

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

Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 175, answered “present” 1, not voting 13, as follows:

[Roll No. 274]

YEAS—244

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

NOT VOTING—6

Bachmann	Sánchez, Linda	Stark
Barrett (SC)	T.	
Braley (IA)	Speier	

□ 1230

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 457, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

Abercrombie	Griffith	Nadler (NY)
Ackerman	Grijalva	Napolitano
Adler (NJ)	Gutierrez	Neal (MA)
Andrews	Hall (NY)	Nye
Arcuri	Halvorson	Oberstar
Baca	Hare	Obey
Baird	Harman	Olver
Baldwin	Hastings (FL)	Ortiz
Barrow	Heinrich	Pallone
Bean	Hereth Sandlin	Pascrell
Becerra	Higgins	Pastor (AZ)
Berry	Himes	Payne
Bishop (GA)	Hinchoy	Perlmutter
Bishop (NY)	Hinojosa	Perriello
Blumenauer	Hirono	Peterson
Boren	Hodes	Pingree (ME)
Boswell	Holden	Polis (CO)
Boucher	Holt	Pomeroy
Boyd	Honda	Price (NC)
Brady (PA)	Hoyer	Quigley
Bright	Insee	Rahall
Brown, Corrine	Israel	Rangel
Butterfield	Jackson (IL)	Reyes
Capps	Jackson-Lee	Richardson
Capuano	(TX)	Rodriguez
Cardoza	Johnson (GA)	Ross
Carnahan	Johnson, E. B.	Rothman (NJ)
Carney	Kagen	Roybal-Allard
Carson (IN)	Kanjorski	Ruppersberger
Castor (FL)	Kaptur	Rush
Chandler	Kennedy	Ryan (OH)
Childers	Kildee	Salazar
Clarke	Kilpatrick (MI)	Sanchez, Loretta
Clay	Kilroy	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Kissell	Schiff
Cohen	Kosmas	Schrader
Connolly (VA)	Kratovil	Schwartz
Conyers	Kucinich	Schwartz
Cooper	Langevin	Scott (GA)
Costa	Larsen (WA)	Scott (VA)
Costello	Larson (CT)	Serrano
Courtney	Lee (CA)	Sestak
Crowley	Levin	Shea-Porter
Cuellar	Lewis (GA)	Sherman
Cummings	Lipinski	Shuler
Dahlkemper	Loebsack	Sires
Davis (AL)	Lofgren, Zoe	Skelton
Davis (CA)	Lowey	Slaughter
Davis (IL)	Lujan	Smith (WA)
Davis (TN)	Lynch	Snyder
DeFazio	Maffei	Space
DeGette	Maloney	Spratt
Delahunt	Markey (CO)	Stupak
DeLauro	Markey (MA)	Stupak
Dicks	Marshall	Sutton
Dingell	Massa	Tanner
Doggett	Matheson	Tauscher
Donnelly (IN)	McIntyre	Taylor
Doyle	McMahon	Teague
Driehaus	McNerney	Thompson (CA)
Edwards (MD)	Meek (FL)	Thompson (MS)
Edwards (TX)	Meeks (NY)	Tierney
Ellison	Melancon	Titus
Ellsworth	Michaud	
Engel	Miller (NC)	
Eshoo	Miller, George	
Etheridge	Miller (OH)	
Farr	Woolsey	
Fattah	Murphy (CT)	
Filner	Murphy (NY)	
Foster	Murphy, Patrick	
Frank (MA)	Murtha	

NAYS—175

Aderholt	Alexander	Bartlett
Akin	Austria	Biggett