

Mr. AKIN. This is 33.4 percent more than we spend on defense in this country. There's a reason for us to have a sense of urgency and to use strong language. To me, this is a bridge to bankruptcy is the way I would put it.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I think you're exactly right, Mr. AKIN. I think it is a bridge to bankruptcy. In fact, I believe in my heart, without question, that this is going to delay a recovery. I think it very potentially is going to force us into a deep depression in this Nation because of this so-called stimulus bill. I call it a nonstimulus bill because I don't think it's going to stimulate the economy.

Let me ask you a question. I know in my office, I'm not sure we had even one call supporting this bill, and I think most offices got a lot of calls in their office.

Mr. AKIN. Reclaiming my time, that's a good question. We received hundreds of calls. Almost all of them were completely against this massive, massive spending.

I note, though, that we've also been joined by the very distinguished judge from Texas noted for his wit and his good common sense.

Congressman GOHMERT, I would yield to you if you have a comment that you would like to make.

Mr. GOHMERT. I appreciate the gentleman's yielding. Obviously he was mistaking me for TED POE, but I appreciate the comments.

Mr. BROUN of Georgia. Judge CARTER too, Judge.

Mr. GOHMERT. That's right.

One of the things that really breaks my heart, though, about all of this, we can talk about it from a lofty level here in the second floor of the U.S. Capitol, but the truth is during the Bush terms of office, Republicans went from a time when they were the ones that balanced the budget in the 1990s, and they moved to a time when there was just euphoria. Yes, tax cuts happened, and as a result, record revenues just poured into the U.S. Treasury in greater amounts than ever before. It wasn't the tax cuts that were a problem. It wasn't the record revenue coming in. We, and it was before I got here, but we were spending too much money. In my first 2 years here beginning in January of 2005, we were spending too much money. It was a problem. We were not reining in money. And as a result, by November of 2006, people were sick of it. It was irresponsible, and it was so grossly unfair to our children and the generations to follow us, we got voted out of the majority. And Democrats talked about our irresponsible spending, that we were running up the deficit and it was so unfair to the children, according to the Democrats at that time. And the voters said, you're right, these Republicans have lost their way, get them out of the majority.

And now here we've seen with the Democratic majority, about an 80-vote

margin in the House, a Democrat majority in the Senate, in a week's time, there has been \$1.2 trillion in allocations above the budget. That's the same amount that all American income taxpayers will pay in for personal income tax for 2008. We'd have been better off telling everybody that paid individual taxes in America for the whole year you get all your money back.

Mr. AKIN. Reclaiming my time for just a minute, what you were just saying is today—it wasn't quite the snap of a finger. It was 15 minutes. It was a 15-minute vote. We spent the entire money that's going to be collected in tax revenue from America for the year 2008.

I yield to the gentleman.

Mr. GOHMERT. I appreciate the gentleman's yielding. When you add the \$350 billion that was just last week, then that gets you there.

But the thing is, as a judge, my friend Judge CARTER, Judge POE, we have sentenced people who have done irresponsible and just really unconscionable things to their children. We have sent them to prison. And here in this body has so loaded up our children and our grandchildren with debt that it is unconscionable. We're out here just throwing money around, and they're going to have to take care of that debt.

They didn't get the message. They told America, you put us in the majority and we will be more responsible. And what they have done is multiplied the irresponsibility, and it's heart-breaking.

The only reason we don't already have a runaway inflation with the kind of money that's been spent and printed and borrowed is because fuel went down by more than 50 percent. As fuel goes up for the summer, we're going to have runaway inflation, and nations have fallen for that reason.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I just want to ask a question.

I know you introduced a bill that I was a cosponsor of that would give people a 2-month tax holiday that would actually put money back in the hands of people.

Did you get any positive response from the Speaker, from the Democratic majority to allow that to even go forward?

Mr. AKIN. I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate the gentleman's yielding.

Actually, I got a number of positive inquiries from some of our Blue Dog friends. But as far as from the Speaker, there has been no interest in bringing it to the floor.

When I met President Obama yesterday, I brought it up to him and I said, This does everything you promised, giving a tax cut to everybody. I said, It doesn't have the \$250,000 cap on in-

come. We could add that. It does what you promised better than anything.

He said, Wow, have you talked to Larry? He was talking about Larry Summers, who was standing right there.

I said, No, I haven't.

He said, You guys need to talk.

Mr. AKIN. Gentlemen, I think we are done with our 1 hour. I'd also like to recognize the good judge from Texas and appreciate your stopping in. We will try to fit people in again. We will have this discussion, I believe, next week.

Mr. BROUN of Georgia. And Congressman WESTMORELAND is here also. He was here to join us also.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a Concurrent Resolution of the House of the following title:

H. Con. Res. 26. Concurrent resolution providing for an adjournment of the House.

The message also announced that pursuant to Public Law 96-114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individual to the Congressional Award Board:

Rodney Slater of the District of Columbia.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman to the Mexico-United States Interparliamentary Group conference for the One Hundred Eleventh Congress:

The Senator from Connecticut (Mr. DODD).

INCOME TAXES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Mr. Speaker, I appreciate being recognized.

I sure enjoyed hearing from my colleagues talking about the work of the day in, I think, a very accurate way.

I'm here tonight to talk about, I think, correcting some potential inequities.

I'm very blessed in my life. I spent 10 years practicing law in the town of Round Rock, Texas, in Williamson County, at that time a small town where a lawyer in that town pretty well did anything that walked in the door, from criminal cases all the way down to property tax cases. And I had a lot of clients back in those days that were in small businesses or who might be individuals who sometimes, I would say, unintentionally failed to pay some of the taxes they owed to the IRS. And inevitably when those things would

happen, they would receive from the IRS a notice that they had failed to pay their taxes or failed to file their income tax or failed to pay payroll taxes that they should have paid. And these clients would come running to a lawyer.

At that time I was only one of two lawyers in town and never claimed to be a tax expert. But I could read the form that told us what they needed to do, and we could get them with a CPA, and they would get their taxes filed. And they would receive a notice from the IRS which would tell them that they would have to pay penalties and interest on this particular sum of money, whatever it may be. It might have been relatively small. But if the time period had been long, the penalties would be very horrendous. They would be very fierce. Sometimes over a period of time of, say, 8 or 10 years of failure to pay, you might see the penalties and interest be two, three, four times what the actual taxes were that were owed by the individual.

If it happened to be payroll taxes, I will tell you that, by my experience in those days, they would threaten to padlock businesses and put people in prison for that, for failing to pay payroll taxes, because, actually, that was other people's money that they withheld held and didn't pay and didn't pay their matching share. So the IRS would get very mad about failing to pay payroll taxes.

But they would also be a little bit upset about failing to pay income taxes and threaten similar actions, mostly padlocking businesses and seizing assets.

It was possible to go talk with the IRS, and you could sometimes negotiate those penalties and interest. But I never saw them not assess them in my period of time that I did that.

After the 10 years of practicing law, I spent 20 years as a general jurisdiction district judge in Texas, which is the highest trial court in Texas, and I tried a wide variety of cases, some of which was family law. I tried a tremendous amount of family law cases, somewhere in the neighborhood of 20,000 over that 20-year period of time.

□ 2045

I also tried criminal cases and so forth. In many family law cases, one of the issues when you are trying to guide assets, you would also be dividing liabilities, and one of the liabilities you would inevitably see would be failure to pay taxes or being late on taxes or failing to file taxes. So we dealt with this same issue, and I can report to this body that by my experience, the failure to pay those taxes always seemed to result in a letter from the IRS assessing penalties and interest for failure to pay.

Now, I raise this issue because I think it's important that we have fairness that everyone be treated fairly in this country. And so many will recall that it was reported by a Member of

Congress on this House floor about 4 or 5 months ago, one of our Members, a very well respected, highly respected Member of this body, told us that he had failed to pay his taxes for a period of 10 years on a rental property in the Dominican Republic. And he reported that he was going through his people, he was going to discuss with the IRS the payment of these taxes, and he was going to pay his taxes.

He has since reported that he has paid his taxes to the tune of somewhere near the sum of \$10,000. He also has reported that he has not paid any penalties and interest because no penalties and interest have been assessed.

Now, this struck me as very strange. By my experience and having dealt with it, I am not saying I did this full time every day, but you know, I think most Americans know, if they have been through anything, they have dealt with the IRS, the IRS is pretty proud of assessing penalties and interest. They like that a whole lot.

And so, to me, it was at first curious that this person, who is very directly related to the taxing system of the United States, has, in fact, not been even assessed any penalties and interest. I thought, you know, we serve in this body here because a bunch of people back home actually said we would like you to represent us in Washington, and we think you think like we do, and so they vote for you, and they give you this job.

But at least in my personal opinion, that makes us no different from them, other than we are kind of hired to speak for them up here as the best we can, and I think that's what we are here for. But we certainly, by the nature of our employment in the House of Representatives, should not receive any special treatment above and beyond the same special treatment that would be available to every American citizen, every American taxpayer.

So I have introduced a bill today which would basically say that because no penalties and interest were assessed against a Member of this House, that, in fact, we have equal treatment under the law, which is one of our constitutional rights. We would allow people to claim that same right not to pay penalties and interest if they hadn't paid their taxes.

This bill has got a name, and we call it the Rangel rule.

I would hope that people would take it in the light that it is set. It is not criticism in any way of any Member of this House. In fact, if it's criticism of anything, it's criticism of the IRS of the United States for failure to treat people equally under the law. And so I raise this issue because, in fact, that's what I seek here by this legislation, equal treatment under the law.

That club owner that I was well aware of back in the 1970s who constantly was having trouble with the IRS—and he is dead now, so I am not going to use his name; but I represented him before the IRS a half a

dozen times, and we battled tooth and nail and borrowed money to pay that principal, interest and penalty that he had to pay.

He, if there is someone that's given special consideration, then that man should have been given special consideration. And that's why I have introduced this bill which basically says that if you have failed to pay your taxes and you are willing to pay the taxes, and you don't want penalties and interest assessed against you, then you can claim the Rangel rule, and you won't have penalties and interest assessed against you, according to the law.

That's what we are doing here today. We are not doing it out of any malice, we are only doing it because we think it's fair for the American people.

I am joined by some of my colleagues here. I will first yield, I think, to my friend from Iowa (Mr. KING) since he is down on the floor and let him give us some comments.

Mr. KING of Iowa. I thank the gentleman from Texas, one of the stellar judges that come from Texas and the only State I know that delivers judges into this body, but I am glad to have you all as my allies. As I listened to his presentation, I know that it's delivered from the voice of experience, in having dealt with those kinds of inequities, and I just think that the language in this bill is so clean and so pure that it's important, Mr. Speaker, that the public actually hear it with this level of clarity.

Any individual who is a citizen of the United States—and it's important that citizens are the ones that take advantage of this—and who writes "Rangel rule" on top of the first page of the return of tax imposed by chapter one for any taxable year, shall be exempt from any requirement to pay any interest and from any penalty, addition to tax, or additional amount with respect to such return.

Very simple. Our Founding Fathers could have written something like this, and everybody can read it and understand it. It arises from the situations that have been discussed in that there seems to be one set of laws for one set of people and a set of exemptions for other folks that are very well and highly collected. And the list of things that have been raised from an ethical standpoint question in this House is getting longer and longer.

I remember the effort in 2003, 2004, 2005, 2006 that this was going to become, under the new majority, which now is more than 2 years old, the most ethical Congress in history, the most open, the most democratic Congress in history. That would be the current Speaker of the House, Mr. Assigned Speaker.

I don't know that that has emerged, but I can tell you what has emerged: a dysfunctional Ethics Committee that doesn't take up anything, won't address anything. And by lack of virtue of such lack of action, we end up with

a body that's continuing to pick up more and more cases that the public needs to hear about because the Ethics Committee is not, or at least they are not dealing with it.

A question that comes to me as I listen to this presentation from Judge Carter from Texas is that, should this bill become law—and I am a cosponsor of this bill; I certainly support it, I support the concept behind it. Should this bill become law, would it be, then, something that the Secretary of the Treasury could take advantage of when he finds that he wasn't thorough enough when he examined his taxes on TurboTax.

Mr. CARTER. Actually, I point that out in the spirit of bipartisanship and working together, yes, very much, although I understand that the now-Secretary of the Treasury, designee of the new administration, has, in fact, paid the interest on this amount, but no penalties have been assessed. Yes, he could claim this very rule to have the penalties waived should this be enacted into law.

Of course, I would urge the committees of jurisdiction to move forward on this very quickly, so we can treat every American citizen fairly under the rule. In fact, even Mrs. Kennedy's issues on her nanny, that seemed to prevent her to being a possible candidate for the United States Senate, that also might fall under the Rangel rule and those issues could also be addressed.

So, yes, certainly we, some of our colleagues on the other side of the aisle could benefit from this.

Mr. KING of Iowa. I appreciate that perspective and the accuracy from that. It seems as though our Secretary of the Treasury, Mr. Geithner, was able to establish a negotiated settlement on his back taxes, too.

His negotiated settlement was that if he would pay—under the course of the audit, if he would pay the back taxes and the interest, then there was a waiver of the penalty. And I am hearing that if you haven't had a lot of experience with the waiver or the penalty when it comes to dealing with the IRS—and I know that they can come along and be a Monday morning quarterback about at any time, and they can make some subjective decisions about what you should or should not have claimed for your income or expenses; and then if you are not able to lay out the payment in a timely fashion, they can do a lot of things.

Your house is not preserved for that kind of protection, they can assign a new title to your car and sell it and apply it to your tax liability.

But in the case of our Treasurer, he was able to apparently negotiate a waiver of the penalty and just pay the principal and the interest and, indeed, having been, in advance, reimbursed for the taxes that he knew he had liability. So as he signed the form and agreed that he would pay the taxes—and there were several notices; I be-

lieve the notices came out quarterly—that he would be liable for his own payroll taxes, but if he applied for their reimbursement, he would receive a check for reimbursement for his payroll taxes, took the check for the reimbursement for the payroll taxes, cashed the money and didn't pay the taxes on the payroll taxes.

There isn't any deniable argument that can be made—you had to be thoroughly aware of that—and yet he got a pass from the IRS; and my recollection on the years is, that audit was for 2003 and 2004. The statute of limitations didn't go back to 2001 and 2002, but the vetting process did go back to 2001 and 2002, and even only then did he go back to pay those taxes and interest, not penalty.

And we have the situation now where we have a Secretary of the Treasury who has been—what's the nicest word—"resistant" towards paying taxes that he has actually been paid in advance to pay. And we have a chairman of the Ways and Means Committee that has a whole stream of tax situations that are unanswered, unaddressed; and we are going to ask the American people to pay more taxes and off the floor of this House today, \$1.1 trillion and maybe the largest, the most colossal, mistake made by the United States Congress.

We have got to go back, I have got to ask my constituents, you have to write a check to pay your income taxes, but that isn't something that the chairman of the Ways and Means Committee feels the obligation to do, or the Secretary of the Treasury who runs the IRS feels the obligation to do; and neither is there anybody there to grant a pardon to the folks from my district who are locked up in Federal penitentiaries today for failure to do similar things and not complying to the letter of the IRS law.

So I have a significant amount of frustration that builds, and I appreciate the judge's approach to this in that we are all equal under the law, and if we don't have a law that addresses each of us equally with a reasonable prospect of that enforcement on any one of us, that any American has the same excuse. That's why the Rangel rule is a good proposal that treats us all the same.

Mr. CARTER. I would like now to hear from my friend from Georgia (Mr. WESTMORELAND) who has been patiently here waiting to speak. I yield such time as you might consume.

Mr. WESTMORELAND. I thank my good friends from Texas and from Iowa. I could listen to you all night because you bring a lot of common sense to this floor. I think the American people were looking for a change in Washington and thought maybe they had gotten one. I don't know.

To go back, Judge, to what you were talking about, the most open, honest, ethical Congress is what Speaker PELOSI and the Democratic-then-to-be, soon-to-be majority in the 2006 election cycle promised the American people.

But, you know, I watch Scooby-Doo sometimes with my grandchildren, and when Scooby-Doo runs into some type of expected challenge or something, he goes "ruh roh." Well, there have been some "ruh rohs" lately at what's been going on here, because this most open, honest, ethical Congress has hit several "ruh rohs."

This is just one of them, because I think you were being kind of candid, the gentleman from Texas was being kind of candid when he said this certain gentleman has some influence over the IRS. He is actually chairman of the Ways and Means Committee who writes all the tax laws for this House. So that's a little bit of a significant position.

I, like the Judge and the gentleman from Iowa have known cases where, or at least every case I have ever heard is when you get a bill for your back taxes, it includes not only the taxes that you owe, but the penalty that they are charging or assessing you and the interest.

Now, I am not to say that that's not negotiable at some point in time, that you can't work something out, but I have never just seen, after forgetting that you own something for 10 years, and not realizing that you need to pay tax on it, and not understanding the tax laws that you are responsible for writing, that they just go, Oh, well, don't worry about it. Just pay the back taxes.

But I wanted to speak, if I could, Judge. There have been a couple more "ruh rohs" that we have run into.

President Obama, in 2007, in November, was campaigning in Orangeburg, South Carolina. He made a statement, "I have done more to take on lobbyists than any other candidate in this race. I don't take a dime of their money, and when I am President, they won't find a job in my White House."

□ 2100

"Ruh roh." Because we have got to look at Mr. Geithner because he had a little tax problem too. But this tax problem that he had, the new Secretary of the Treasury, was actually a self-employment tax trust.

But he also hit a little "ruh roh" with his nominee for Deputy Secretary of Defense, the gentleman that was a lobbyist for Raytheon. Raytheon does about \$18 billion worth of business a year with the Pentagon. This gentleman owns about anywhere from \$500,000 to \$1 million in stock. He has unvested restricted stock of about \$250,000 to \$500,000. But he was given a waiver for this rule about lobbyists not working in the White House. President Obama gave him a waiver.

So you can think well, you know, maybe once you need a waiver. But then we come up on Mr. Geithner's Chief of Staff, Mr. Patterson. "Ruh roh." A registered lobbyist. Is he going to get a waiver? His company, Goldman Sachs, is a firm that has gotten a bunch of money in the bailout. He has

reportedly made quite a large sum of money. He has lobbied Congress on legislation including energy tax credits, Indian gaming. Wasn't that the same thing that Jack Abramoff—Indian gaming. That was a big problem. And those were according to his own financial reports.

And I will yield back to the gentleman from Texas, but there are many more of these "ruh rohs" that we have hit already, and I think that we are going to continue to hit them the more that we find out because it seems to be that some of the cover is coming off of some of this stuff and some of the hope and change is getting to be more like business as usual.

The most ethical Congress is turning into something totally different. Hope and change is turning into something different than what the American people thought that they were promised.

So I will yield back to the gentleman from Texas.

Mr. CARTER. I thank you for your comments. Your "ruh rohs," this was very interesting. One of the things I was thinking about too, we had a very unusual procedure take place. When the gentleman I was describing was speaking on the floor, he announced that he was going to turn himself in to the Ethics Committee.

Well, so that we understand exactly what the Ethics Committee is, they are very noble people who serve a very tough job in this House because they have to look into issues concerning their colleagues. I have a high respect for people who are willing to serve on the Ethics Committee.

But the reality of the Ethics Committee in this House is that it has an equal number of Republicans and Democrats on that committee. So if everybody just sticks with their party, then things seem to have a deadlock time quite often in the ethics committee. In fact, for most of the time since I have been in Congress, the Ethics Committee has been deadlocked. I am going into my fourth term in Congress.

So I would say that turning yourself in to the Ethics Committee would be sort of like someone turning themselves in to the grand jury when the grand jury is not going to function. And so that shouldn't be a defense. We shouldn't have that kind of defense for actions that take place in this House, that, Oh, I will step up in front of everybody and say this is what happened. I am turning myself in to the Ethics Committee. And then it's going to be business as usual for their act.

The American people don't have that kind of dark hole to dump things in. That shouldn't be an issue. This should be an issue of ethics and morals that touch the hearts of these people who serve in this Congress.

The judiciary in Texas has a rule that not even the appearance of impropriety against the person who serves on the bench. It's very tough, strict, because you have to think, What does

this look like when I do this? And if you think somebody thinks that there's something impropriety about what you just did or said, you better not do it, because you can be severely sanctioned by those who police up our judiciary in Texas for giving the appearance of impropriety.

That is not the standard of this House. I would argue it maybe should be because it makes you police your conscience, to some extent. But it's not. So I do not want anybody to get the misconception that I'm saying that is the standard that we meet here. But we certainly should realize and be humbled by issues that go before the Ethics Committee. I am not saying that the Ethics Committee is the "do-all, see-all," or that they do anything wrong. I think they actually are courageous people who have a tough job.

We need a functioning Ethics Committee, and I think we will get one because NANCY PELOSI has told us we will get one. And so I take my Speaker at her word that we will get one. And I'm hoping that we can do that.

I would ask Mr. KING if he would like to make a comment.

Mr. KING of Iowa. I thank the gentleman from Texas. I just thought I would call up that specific quote from Speaker PELOSI and make sure that we had this down in the RECORD precisely the way it was delivered. This is a quote that was from her own press release dated November 16, 2006, Speaker PELOSI, and I quote, "This leadership team will create the most honest, most open, and most ethical Congress in history."

I don't think there's been a delivery on that promise. In fact, I will look back at the circumstances of the Ethics Committee that we have and, Mr. Speaker, I point out that the former chairman of the Ethics Committee has stepped down, and stepped down under a cloud of an FBI investigation, and was subsequently appointed by the Speaker to become the chairman of Justice Appropriations, where he today holds the gavel and the purse strings to control the agency that is reportedly in the news, and not denied by him, to be investigating him.

Now if that isn't something that is an ethical challenge. We talk about conflicts of interest, talk about appearance of impropriety. Isn't there an appearance of impropriety if you happen to be the chairman of the committee that appropriates the funds to the agency that is investigating you?

To point out something that is beyond hypothetical, thoroughly reported in the news and reported as the reason for the step-down from the Ethics Committee and a sideways promotion to take over the people investigating. That is not the most open, most ethical Congress, Mr. Speaker. That is a sign of the exact opposite.

I expect that we are going to see more and more of this balled up in the Ethics Committee, that will not move because of a number of reasons, one of

them being it's a committee that is balanced with an equal number of Democrats and Republicans. But to throw yourselves on the mercy of the Ethics Committee is a shield, it's not a solution.

The scrutiny that needs to come from the media and from the public—the American people need to understand what is going on here. We have got to eliminate the appearance of impropriety, eliminate the impropriety, and the people who find themselves crossways with the law, it isn't enough to say, I'm sorry. It isn't good enough to say, I will pay the tax liability, maybe even some interest on that.

In the case of Tim Geithner, the numbers that I saw were \$34,000 versus \$43,000. I took that to mean that his tax liability was \$34,000 and the interest was an additional \$9,000 dollars. That came to \$43,000.

Now, wouldn't you notice if they wrote you a check for \$34,000, admittedly over a period of roughly 4 years, and you cash that check. Wouldn't you wonder where it came from? Any time I get that money, I'm certainly going to know where it came from, especially if I'm signing documents that I will pay my taxes and especially if I wanted to be the head of the IRS and especially if I was presented as a financial guru, especially at a time when we need stability in the Secretary of the Treasury's Office, when the previous Secretary of the Treasury has demonstrated—I will say there has been an erosion in confidence in his judgment, as the previous Secretary came to this Capitol September 19, and it wasn't chicken little, but he did say the sky is falling. Since that time, the sky has begun to fall. The economic sky has begun to fall.

I'd also point out that on September 19, Mr. Speaker, one who maybe will accept that coincidences can happen from time to time, there was another issue that arose that changed the result of the elections in 2006 that arose here on September 19, 2006. I'm very curious as to what might come to visit us on September 19, 2010, Mr. Speaker.

But this needs to be cleaned up. The American people must demand it. There's got to be open sunlight on all that we do. We have got to provide the most open, ethical, and honest Congress in history.

I'd yield back.

Mr. CARTER. I thank the gentleman for yielding back. My friend from Georgia had some comments, I think.

Mr. WESTMORELAND. To my friend from Texas, I just wanted to talk about a few more things that may be happening in the administration because the hope and the change that was promised to the American people and I think a lot of people were looking forward to and I think the change that they were wanting to see was some honesty and some transparency in somebody that really meant business of coming up here and trying to take this country in a new direction.

I will read, again, President Obama's November, 2007, speech, campaign trail speech, in Orangeburg, South Carolina. "I've done more to take on lobbyists than any other candidate in this race. I don't take a dime of their money, and when I'm President, they won't find a job in my White House."

I want to bring up one other—a couple of other people. My friend from Texas has talked about what has been going on in this House and it's time to look at what may be becoming a pattern of maybe saying one thing and doing something else.

Bill Corr, President Obama's nominee for Deputy Secretary of Health and Human Services, has been a registered lobbyist working on health-related issues since 2000. President Obama has given Bill Corr a waiver to his ethics rule, just as he did Mr. Lynn.

Cecilia Munoz, President Obama's new Director of Intergovernmental Affairs, has been issued a waiver to the President's ethics rules because she was a registered lobbyist with the National Council of La Raza, a Hispanic advocacy organization, much like ACORN, too. So she has been issued.

Now I don't know if Ron Kirk, President Obama's nominee for U.S. Trade Representative, has been given a waiver or not, but he was a registered lobbyist that took in more than \$1 million in lobbying revenue for financial and energy firms in the last 2 years.

Of course, we know Tom Daschle, former Senator that has been, I guess, nominated or may be sworn in as new Secretary of Health and Human Services. Of course, he was an individual or advisor to the lobbying firm of Austin Byrd.

So this seems to be a pattern. Patrick Gaspard, President Obama's new White House Political Director, was a registered lobbyist with the Service Employees International Union to work on health care issues, including expansion of funding for children's health care, which you know we just passed the SCHIP bill out of this House.

There's some other things that are starting to unfold that will become more and more to light as far as the digital transition for digital TV. There has been some rumor that some of the people in the administration may be connected with that.

Of course, these are things that are just starting to come out in the news, but these things are starting to surface to the top. So I think the American people are disappointed. I think they are disappointed in the fact that the chairman of the Ways and Means Committee in this House seems to have gotten some preferential treatment.

And to my friends from Texas and Iowa, I would dare to recommend that our citizens go ahead and try to apply the Rangel rule to any tax problems they have. But it may be a start. If you are negotiating with the IRS now, see if you can't get the same deal that somebody in Congress may have got-

ten, that you want that same kind of deal that they have got, and we will see if it works.

If you're in trouble right now with the Internal Revenue Service about not sending in the withholding tax for your employees, or maybe some self-employment tax, you might want to try to go the Geithner way and say, Look, just tell me what I owe and I'll pay you. Don't really see that I need to give you any penalty or interest.

□ 2115

So I am not a lawyer and I am not giving legal advice, but that might be something that you might want to try.

But, anyway, it does seem funny and I do think the American people are going to get tired of this, of being told one thing and then something else happening, and then seeing special treatment coming out of this body. And that is not what they expect; they want people to be honest, open, transparent, forthcoming with them. And I think that is what they want. I think that is the real change that they want, the hope that they had, because politicians have very little credibility.

In fact, I was a real estate agent when I was involved in politics, and I had somebody tell me one time that the two worst professions were real estate agents and politicians. And he didn't know I was a politician at the time, but he kind of hit me right in the head with both of them.

So we don't get a lot of credibility already, and the things that we just seem to keep piling on ourselves give us less and less and less. And we wonder why people don't go out to vote. We wonder why the voting percentage is down so low. Because, I think, most Americans have just thrown up their hands and said it is going to be the same old, same old.

This election was a little different. We had a lot of people who voted that had never voted before, who had not voted in a long time, thinking they were voting for a difference, a change. But I think now they are beginning to see that it is just the same old Washington attitude, and it is going to continue to be the same old Washington attitude, and their hopes have been dashed.

Mr. CARTER. I thank you for your comments, and I think it is very important that we talk about these things.

I think it is important that we do what—I want to praise my colleagues for doing this. We do this, we make these critical statements and we talk about these issues, and we are not being venomous and we are not trying to be mean. We are trying to lay out the facts and the issues that concern ethical conduct that we are concerned about. We are concerned about it because, quite frankly, we all get painted with the same brush, and we should think about that.

We work daily with our colleagues that are on the floor of this House. We

should, and do, respect each one of our colleagues for their service to the United States; and by our ethical behavior, we can paint our colleagues with a brush that shouldn't be there. And so we raise these issues in the good spirit of saying these are issues this body needs to address so that we don't taint others.

In the past, there have been people who have created slogans that taint the whole body. That is not our purpose here today. Our purpose here today is to point out fairness and equality in our system, so that Members of Congress are not treated any differently than any other taxpaying American citizens. And that is what this legislation that I have introduced is all about. I have written a letter to the chairman of the Ways and Means Committee asking him to support it, and I did it in good spirit.

So I am anxious to go forward with this concept. And I like what you say about people that are facing this issue. They ought to at least talk to somebody about being treated at least as well as a Congressman gets treated in Washington, D.C.

Mr. KING. I will yield you some more time if you need some.

Mr. KING of Iowa. I thank the gentleman for yielding. I agree with the presentation here, of course; and as a cosponsor of the bill, I agree with the policy.

It occurs to me to expand this discussion just a little bit, and that is that as the public sits out there and watches what goes on here, Mr. Speaker, on the floor of Congress. They are frustrated. They are rightfully frustrated. Some of them are angry. More will need to get angry before anything is going to change, because as George Will probably more than once said, democracy functions under the lash of necessity. Many Members of Congress understand that necessity to be what it takes for them to maintain their seat in this Congress.

I believe this: that we should be the most honest, the most open, the most ethical Congress in history, as NANCY PELOSI said. And we should follow through on that by allowing full access to our finances, for example.

We have a situation today where we file our financial disclosure forms under the guise of giving the public access so they can see if there is any conflict of interest, any ethical violation, any one of us that is taking advantage of our position and rolling in some equity out of any other sources that might come. But it is a flawed process, and one of the reasons that it is flawed is because it allows Members to put down their assets within a range of dollars in a category.

Now, for me, I am in the narrower category. Say, for example, I might have some assets there, real estate, between, let's say, a quarter of a million and a half million dollars or less, or other categories between \$100,000 and \$250,000. But when you get into the

larger amounts of the assets, you can have assets there listed between, you just say, it fits my townhouse investment across the river in Virginia—not mine, but a hypothetical Member's—is valued between \$5 million and \$25 million, and you put that down.

And then this other real estate that might be an island in North Carolina is valued at between \$5 million and \$25 million. And I have some liabilities against them that could be between \$5 million and \$25 million. Pretty soon, you add this all up, and the only way you can figure out what is going on here, you say, well, the assets will be the aggregate total at a minimum of, and you add the small amount. Or, they could be in the aggregate total of the maximum amount. You add the large amount.

And the same with the liabilities. And when you are done and look at this, there is no way in the world to determine what has happened with the net worth of a Member, and they can game this system.

And then we have a Member who has filed at least 261 false statements on his finances, and after it was brought to his attention, then he filed an amendment to these statements, without any repercussions—a different set of laws for him, at least as far as I know.

What I have is a bill that I introduced in the last Congress, and I don't believe I have actually dropped it in this one. I don't expect it is going to get past this gatekeeper of the most honest, open, ethical Congress in history. But this bill is this: The Sunlight Act, and it just puts sunlight on all things that we do. On our finances, it requires us to file the exact dollar amount of our assets and our liabilities in every category, and to file them in a searchable, sortable, down-loadable database and make them available online so that anybody that can go to the public library and access a computer can go in and take a look.

Now, if we are going to be honest and open and ethical, let's give 300 million Americans the opportunity to examine our finances, examine our transactions; and they can be out there and they can raise the issue. And I think that, in itself, will keep us a little more honest because the restraint will be there. Kind of like random drug testing: There is somebody out there watching you, so don't take the risk.

That is one piece that we could take, and those with a lot of assets and a lot of liabilities are in a position to not necessarily provide the most full information. The lower your assets are and the lower your liabilities, the more specific they will be.

That is something we can do. And I think all of our records that we have here, when an amendment is filed, it should be available on the Internet. You post that thing immediately, stick it up there, and let the public follow it.

It is a shame that the public can come into the Gallery here and not

know what is being debated on the floor of the House of Representatives and not be able to find out or figure it out. A Member can have that happen, walk across, and in 2 minutes in the tunnel have the subject change, come out on the floor. And there is no light up on the ends that says, we are debating bill X and amendment Y. It is simply something you have to pick up by knowing whom to ask here on the floor.

We haven't moved into the modern world is my point. And I think all that should be electronically posted on the wall, the subject matter of the debate and the amendment, if we have one, so that the people in the Gallery and those folks, Mr. Speaker, that are watching on C-SPAN can look and instantly know the discussion here on the floor.

I think when an amendment is filed, if it is in an open rule down here, it should be scanned and immediately posted on the Internet. And when amendments are filed before the Rules Committee, they should be available for everybody in America to see, so they can understand how this is not an open process, how many of those amendments never see the light of day because they are balled up in the Rules Committee, and when we are looking for those recorded votes, so we can find out why was an amendment denied.

Or a bill like SCHIP that can come to the floor; and I believe the number is bigger, but at least a \$40 billion bill on SCHIP came to floor in the 111th Congress without a single hearing in this Congress, without a subcommittee markup, without a full committee markup, without any amendments being allowed all along the way, and without any amendments being allowed on the floor—not an open, honest, ethical approach, but a Draconian, top-down, cram-down approach to legislation.

The public, if they had sunlight on all of our operations, then they can understand that there really is a high degree of ethics on the part of almost everybody in this Congress. And, on both sides of the aisle there are dedicated public servants that watch their finances and would not trade a vote for anything, that follow their convictions and listen to their constituents and follow the rules. That goes on in most cases. But we only see the egregious ones when they come up after they have gotten to the point where something has to be done.

We have talked about some of those tonight, Mr. Speaker, and I would like to see the sunlight every day so that as soon as somebody bounces off of a guard rail, they can be reminded: Get back on track here. Because we do need to create the most open, honest, and ethical Congress in history.

I yield back.

Mr. CARTER. I thank the gentleman for yielding back.

I think those are some very interesting ideas that you have put forward.

I have always wondered how some poor person sitting in the Gallery can figure out what in the heck is going on without sitting here for a couple of hours until finally it kind of soaks in that maybe they are talking about taxes or maybe they are talking about soldiers. But it can take a while to figure that out. Those are some interesting concepts.

I very quickly yield to my friend from Georgia for some additional comments.

Mr. WESTMORELAND. I just wanted to comment on something my friend from Iowa said about confusion in the process.

You know, Leader BOEHNER brought a privileged resolution about asking the chairman to step aside until there could be some resolve in the questions in front of the Ethics Committee. And, of course, the first thing the majority party did was move that that motion or that resolution be tabled. So what it does, it keeps people from having to vote on whether to go through with the resolution or not. And so you are right when you talk about open.

And I was real excited—well, I have got to be honest. I wasn't excited that we had got a new majority, but I was excited to hear that it was going to be an open Congress; and I thought that meant that we were going to have more open rules, and we would be able to offer more amendments, and let all 435 members, if they wanted to, offer amendments that would be important to their district or to their constituents.

It has been just the opposite. We have had more closed rules than ever.

We just passed a new rule at the start of the 111th Congress that changed the rules from the 110th about motions to recommit. And I am not going to go into all that tonight because we understand it, but it is so complicated to go in. But, basically, the rules were changed to prevent the majority, some of their vulnerable Members, from having to take very tough votes on specific language that we would put in the motions to recommit or our alternatives that we wanted to see put in this bill. And it's really a shame that we had to do it in that procedural way because we couldn't offer the amendments.

And so when people do hear that word "open," I think they think about something different than what is really going on here.

This is not an open process. The People's House is the body where I think most of the deliberations should go on. This is the government that is closest to the people here in Washington, this body. We are all elected by roughly 700,000 people, some a little more, some a little less. But it is not a statewide election; we are from specific districts as a republic.

It is a representative form of government, yet, probably at any time three-fourths of us are denied the opportunity to be part of that process. And I think that goes along with getting special treatment up here on the one hand

depending on who you are and what chairman you are the committee of, and then, too, what party you belong to or where you are at in the pecking order in the majority party as to what kind of opportunity you will have to put your opinion or your constituent's thoughts into a bill.

We need to do better with that. We need a transparency. You know, sunshine is the best disinfectant in the world, and we need to let light into this body. We need to let sunshine shine in here.

And what is so bad about making somebody vote on something? That is the question I always have is, well, we are sent up here to vote. That is our job. Why don't we vote on the tough issues? Nobody wants to vote on the tough questions because they are afraid they will not get reelected if they have to make those decisions in the light that shines on what they do up here versus what they say at home.

□ 2130

That is the reason our constituents are so disgusted with this system. They are tired of hearing people say one thing and do something else.

I appreciate the opportunity the gentleman from Texas (Mr. CARTER) has given me tonight. I know that I have gotten off the subject a little bit on some of these things, but I do think that people want to hear that some of us are aware of the frustrations and the disappointments that they have had with their government. And I wanted to make sure that they understand that there is a group of us who want to flush some of these things out and bring it into the light and try to put some sunshine on it so people can tell what is really going on up here.

My good friend from Iowa who is in the construction business has suffered many of the things that I have suffered through in business, and I thank him for his dedication and service.

Mr. CARTER. It is true we got off the subject matter, and the subject matter here is equal treatment under the law. But, quite frankly, I think a good title, we may have just created a good title for people who want to lay things out in the sunshine for the American people to look at, without calling names, which is not what we have experienced in this body in previous Congresses, but just lay it out there. We are not going to say culture of anything. We are just going to say let's let some sunshine on the process, and let's let the common sense of the American people make that decision.

I trust the common sense of the American people. I think that there is no better common sense than the folks back home. I did a telephone town hall last night and I heard the best assessment of the bill we passed today, spending \$825 billion from the folks back home, because they looked at it with common sense and said this is ridiculous.

I am proud of those people back home that take the commonsense view. We

are going to be, and I'm not going to say sunshine boys because we have some ladies that are going to join us, too, but maybe the sunshine group. We will shine light on what is going on in the Congress, and I think that is a good thing to do. I think we ought to expose warts and all.

But having served 20 years in the judiciary and in the law for almost 40 years, I think the oath, the original oath I took when I became a lawyer and then the oath that I continually took for five terms as a judge and the oath I take in this Congress requires me to stand up for equal protection under the law as part of our Constitution of the United States. I think we are all required to seek for every American equal protection under the law.

And that is why we have raised this issue. It may be a small issue to some people. It may be something that they say I don't care anything about that. They will care when the IRS sends them their penalties and interest. I can guarantee you they will care because they will look at that check and say holy cow, where did that come from. When you are talking about 10 years of failure to pay taxes, you are talking about what could potentially be a large number of especially penalties.

So, you know, all we are asking is let everybody take a look at it and see if we can't all agree to give equal protection under the law; and, therefore, step up and tell the IRS if they are wanting penalties and interest that you are going to claim the Rangel rule and you hopefully will get the same equal treatment that is available in Washington, D.C.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding, and the phrase that I hear ring true from you is that everyone deserves equal protection under the law.

As reflecting upon a State of the Union Address that was delivered to this Congress by Thomas Jefferson in his early years as President, he said, "The minority possesses their equal rights which equal law must protect and to violate would be oppression." That is Thomas Jefferson in his first inaugural March 4, 1801. I happened to have run across it because it was included in Speaker PELOSI's document titled "A New Direction for America."

I think that is quite instructive for tonight's discussion. The most open, honest, ethical Congress in history, quoting Thomas Jefferson's inaugural address in the case of requiring equal protection under the law and the rights of the minority, feeling a little trampled here in the 111th Congress.

Mr. CARTER. Reclaiming my time, we operate under a variation of Jefferson's original manual for the operations of this House. So he is the one who wrote the original rules for the operation of this House. Although there are variations and amendments that have been done to it, they give you a copy of Jefferson's Manual because it is

the Bible, if you will, of the United States House of Representatives.

So that is a good quote and one we should repeat to ourselves both in the minority and ultimately when we get back into the majority. I think that is where we should be, and I think that is where all of the minority and majority should be.

We are about to run out of time. I want to thank my colleagues for coming here. I hope you will join me as we put sunshine on other issues that need to have sunshine shining upon them.

We would encourage the new media that is out there to start interacting and discussing this because I think this is something that the public needs to talk about. I am not sure whether it is going to be talked about with the big boys, but the bloggers can talk about this and other folks can get a common discussion about are we putting sunshine on issues that are important and is fairness under the law important to all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. OLSON) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, February 3 and 4.

Mr. POE of Texas, for 5 minutes, February 4.

Mr. JONES, for 5 minutes, February 4.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PETERSON, for 5 minutes, today.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, pursuant to House Concurrent Resolution 26, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until Monday, February 2, 2009, at 2 p.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 16, 2008, through January 3, 2009, shall be treated as though received on