

Mr. TAYLOR. Mr. Speaker, I would like to ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized.

There was no objection.

Mr. TAYLOR. Mr. Speaker, the rule before us, on a nearly trillion-dollar bill between spending and tax cuts, apparently does not allow for any time for the opponents of this measure. If you look at page 2, line 4, it says this resolution allows for 3 hours equally divided and controlled between the chair and the ranking minority member of the Committee on Ways and Means.

It is my understanding that both of those gentlemen are for the bill. What guarantee do those of us who oppose increasing the deficit by a trillion dollars have of being able to voice our objections if this rule passes?

If Mr. MCGOVERN would like to answer that question, I would welcome it.

Mr. MCGOVERN. My understanding is that there is an informal agreement that there will be time designated for those in opposition; at least an hour.

Mr. TAYLOR. Mr. Speaker, with that in mind, there is no guarantee for those of us who are opposed to raising the national debt by \$1 trillion.

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

#### MOTION TO ADJOURN

Mr. TAYLOR. Mr. Speaker, I move that the House do now adjourn.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 14, nays 385, answered “present” 1, not voting 33, as follows:

[Roll No. 639]

#### YEAS—14

|              |                  |           |
|--------------|------------------|-----------|
| Bright       | Gohmert          | Pascrell  |
| Cao          | Hinche           | Taylor    |
| Dahlkemper   | Hoekstra         | Tiahrt    |
| Flake        | Kirkpatrick (AZ) | Visclosky |
| Garrett (NJ) | Lamborn          |           |

#### NAYS—385

|              |             |                |
|--------------|-------------|----------------|
| Ackerman     | Berman      | Brady (PA)     |
| Aderholt     | Biggart     | Brady (TX)     |
| Adler (NJ)   | Bilbray     | Braley (IA)    |
| Akin         | Bilirakis   | Broun (GA)     |
| Alexander    | Bishop (GA) | Brown, Corrine |
| Altmire      | Bishop (NY) | Brown-Waite,   |
| Andrews      | Bishop (UT) | Ginny          |
| Arcuri       | Blackburn   | Buchanan       |
| Austria      | Blumenauer  | Burgess        |
| Baca         | Blunt       | Burton (IN)    |
| Bachmann     | Boccieri    | Butterfield    |
| Bachus       | Boehner     | Buyer          |
| Baldwin      | Bonner      | Calvert        |
| Barrett (SC) | Bono Mack   | Camp           |
| Barrow       | Boozman     | Campbell       |
| Bartlett     | Boren       | Cantor         |
| Barton (TX)  | Boswell     | Capito         |
| Bean         | Boucher     | Capps          |
| Becerra      | Boustany    | Capuano        |
| Berkley      | Boyd        | Carnahan       |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Carney          | Hodes           | Napolitano       |
| Carson (IN)     | Holden          | Neal (MA)        |
| Carter          | Holt            | Neugebauer       |
| Cassidy         | Honda           | Nunes            |
| Castle          | Hoyer           | Nye              |
| Castor (FL)     | Hunter          | Oberstar         |
| Chaffetz        | Inglis          | Obey             |
| Childers        | Inslee          | Olson            |
| Chu             | Israel          | Olver            |
| Clarke          | Issa            | Ortiz            |
| Clay            | Jackson (IL)    | Owens            |
| Cleaver         | Jackson Lee     | Pallone          |
| Clyburn         | (TX)            | Pastor (AZ)      |
| Coble           | Jenkins         | Paul             |
| Coffman (CO)    | Johnson (GA)    | Paulsen          |
| Cole            | Johnson (IL)    | Payne            |
| Conaway         | Johnson, E. B.  | Pence            |
| Connolly (VA)   | Johnson, Sam    | Perlmutter       |
| Cooper          | Jones           | Perriello        |
| Costa           | Jordan (OH)     | Peters           |
| Costello        | Kagen           | Peterson         |
| Courtney        | Kanjorski       | Petri            |
| Crenshaw        | Kaptur          | Pingree (ME)     |
| Critz           | Kennedy         | Pitts            |
| Crowley         | Kildee          | Poe (TX)         |
| Cuellar         | Kilpatrick (MI) | Polis (CO)       |
| Culberson       | Kilroy          | Posey            |
| Cummings        | Kind            | Price (GA)       |
| Davis (CA)      | King (IA)       | Price (NC)       |
| Davis (IL)      | King (NY)       | Putnam           |
| Davis (KY)      | Kingston        | Quigley          |
| DeFazio         | Kissell         | Radanovich       |
| DeGette         | Klein (FL)      | Rahall           |
| DeLauro         | Kosmas          | Rangel           |
| Dent            | Kratovil        | Reed             |
| Deutch          | Kucinich        | Rehberg          |
| Diaz-Balart, L. | Lance           | Reichert         |
| Diaz-Balart, M. | Langevin        | Reyes            |
| Dicks           | Larsen (WA)     | Richardson       |
| Dingell         | Larson (CT)     | Rodriguez        |
| Djou            | Latham          | Roe (TN)         |
| Doggett         | LaTourette      | Rogers (AL)      |
| Donnelly (IN)   | Latta           | Rogers (KY)      |
| Doyle           | Lee (CA)        | Rogers (MI)      |
| Dreier          | Lee (NY)        | Rohrabacher      |
| Driehaus        | Levin           | Rooney           |
| Duncan          | Lewis (CA)      | Ros-Lehtinen     |
| Edwards (MD)    | Lewis (GA)      | Roskam           |
| Edwards (TX)    | Lipinski        | Ross             |
| Ellison         | LoBiondo        | Rothman (NJ)     |
| Emerson         | Loebach         | Roybal-Allard    |
| Engel           | Lofgren, Zoe    | Royce            |
| Eshoo           | Lowey           | Ruppersberger    |
| Etheridge       | Lucas           | Rush             |
| Fallin          | Luetkemeyer     | Ryan (OH)        |
| Farr            | Lujan           | Ryan (WI)        |
| Fattah          | Lummis          | Salazar          |
| Filner          | Lungren, Daniel | Sánchez, Linda   |
| Fleming         | E.              | T.               |
| Forbes          | Lynch           | Sanchez, Loretta |
| Fortenberry     | Mack            | Scalise          |
| Fox             | Manzullo        | Schakowsky       |
| Frank (MA)      | Marshall        | Schauer          |
| Frank (AZ)      | Matheson        | Schiff           |
| Frelinghuysen   | Matsui          | Schmidt          |
| Fudge           | McCarthy (CA)   | Schock           |
| Gallely         | McCauley        | Schrader         |
| Garamendi       | McClintock      | Schwartz         |
| Gerlach         | McCollum        | Scott (GA)       |
| Giffords        | McCotter        | Scott (VA)       |
| Gonzalez        | McDermott       | Sensenbrenner    |
| Goodlatte       | McGovern        | Serrano          |
| Gordon (TN)     | McHenry         | Sessions         |
| Graves (GA)     | McIntyre        | Sestak           |
| Graves (MO)     | McKeon          | Shadegg          |
| Grayson         | McMahon         | Shea-Porter      |
| Green, Al       | McNerney        | Sherman          |
| Green, Gene     | Meeks (NY)      | Shimkus          |
| Griffith        | Melancon        | Shuler           |
| Guthrie         | Mica            | Shuster          |
| Gutierrez       | Michaud         | Simpson          |
| Hall (NY)       | Miller (FL)     | Sires            |
| Hall (TX)       | Miller (MI)     | Slaughter        |
| Halvorson       | Miller (NC)     | Smith (NE)       |
| Hare            | Miller, Gary    | Smith (NJ)       |
| Harman          | Miller, George  | Smith (TX)       |
| Harper          | Minnick         | Smith (WA)       |
| Hastings (FL)   | Mitchell        | Snyder           |
| Hastings (WA)   | Mollohan        | Space            |
| Heinrich        | Moore (KS)      | Speier           |
| Heller          | Moore (WI)      | Spratt           |
| Hensarling      | Moran (KS)      | Stark            |
| Herger          | Moran (VA)      | Stearns          |
| Herseth Sandlin | Murphy (CT)     | Stupak           |
| Higgins         | Murphy (NY)     | Stutzman         |
| Hill            | Murphy, Patrick | Sullivan         |
| Himes           | Murphy, Tim     | Sutton           |
| Hinojosa        | Myrick          | Tanner           |
| Hirono          | Nadler (NY)     | Teague           |

|               |            |              |
|---------------|------------|--------------|
| Terry         | Upton      | Weiner       |
| Thompson (CA) | Van Hollen | Welch        |
| Thompson (MS) | Velázquez  | Westmoreland |
| Thompson (PA) | Walden     | Wilson (OH)  |
| Thornberry    | Walz       | Wilson (SC)  |
| Tiberi        | Wasserman  | Wittman      |
| Tierney       | Schultz    | Wolf         |
| Titus         | Waters     | Woolsey      |
| Tonko         | Watson     | Wu           |
| Towns         | Watt       | Yarmuth      |
| Tsongas       | Waxman     | Young (AK)   |

#### ANSWERED “PRESENT”—1

Maloney

#### NOT VOTING—33

|            |               |            |
|------------|---------------|------------|
| Baird      | Foster        | McMorris   |
| Berry      | Gingrey (GA)  | Rodgers    |
| Brown (SC) | Granger       | Meek (FL)  |
| Cardoza    | Grijalva      | Platts     |
| Chandler   | Kline (MN)    | Pomeroy    |
| Cohen      | Linder        | Sarbanes   |
| Conyers    | Maffei        | Skelton    |
| Davis (AL) | Marchant      | Turner     |
| Davis (TN) | Markey (CO)   | Wamp       |
| Delahunt   | Markey (MA)   | Whitfield  |
| Ehlers     | McCarthy (NY) | Young (FL) |
| Ellsworth  |               |            |

□ 1217

Messrs. COFFMAN of Colorado, LIPINSKI, RODRIGUEZ, HEINRICH, MARSHALL, HOLT, ORTIZ, GEORGE MILLER of California, MORAN of Virginia and Ms. SHEA-PORTER changed their vote from “yea” to “nay.”

Mr. LAMBORN changed his vote from “nay” to “yea.”

So the motion was rejected.

The result of the vote was announced as above recorded.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4853, TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

The SPEAKER pro tempore (Mr. CUELLAR). The gentleman from Massachusetts has 11 minutes remaining and the gentleman from California has 9½ minutes remaining.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, just to remind Members where we are in this debate, we are about to debate and take up a measure that would, number one, preserve the tax cuts for the wealthiest 2 percent of Americans while we have a \$1.3 trillion deficit in the current year. We would also, if this bill were to pass, create a tax exemption for estates of up to \$10 million. That is for 6,600 individuals, which brings to mind, I will paraphrase Winston Churchill who said, it has been some time since so many have been asked to do so much for so few—and with no legitimate reason, I might add.

We are also talking about raiding the Social Security trust fund for the next 2 years, a total of \$11 billion, and increasing the deficit by about \$1 trillion, which will require us to exceed the national debt limit. So in April or

May of next year, with this bill passing, we will definitely exceed the current \$14 trillion debt limit that the country has.

I had a fair opportunity to negotiate contracts when I was an ironworker; and one thing I learned, and it applies to this agreement with the Republican Senate, there's a big difference between compromise and surrender.

□ 1220

What this bill represents is a complete surrender of Democratic principles and standing up for working people and making them carry an undue burden under this new tax law.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very hardworking colleague from Columbus, Indiana, who offered some very thoughtful remarks and endured the Committee on Rules last night, Mr. PENCE.

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

Mr. PENCE. I thank the ranking member for yielding.

Mr. Speaker, since last summer, I've been among those voices in this Congress calling for action to prevent a tax increase that would affect every American just a few short weeks from now. So I rise with a heavy heart today to say that as I look at this short-term tax deal negotiated by the White House with congressional leaders, that I have concluded after much study that it is a bad deal for taxpayers, it will do little to create jobs, and I cannot support it. Let me say, though, that I have the deepest respect for my colleagues on the Republican side of the aisle who may differ with me on this issue in the final analysis. This is a tough call.

No Republican in this Congress wants to see taxes raised on any American. We all know what we should be doing today is voting to extend all the current tax rates permanently. The reality is that uncertainty is the enemy of prosperity. And simply by extending some of the tax rates that are on the books today for a few short years, we will not create the certainty necessary to encourage businesses to take out loans, to expend resources in ways that will put people back to work. We just know that.

I was back in Muncie, Indiana, just a couple of days ago. I had a banker walk up to me at Rotary, and he said, What are you going to do on this? Sounds like a tough deal. And I said, You know, I hadn't decided at that point. He said, Well, nobody is going to come walking into my office to sign a 5-year note on a 2-year Tax Code.

So why are we doing 2 years? Well, there's an election in 2 years. I get that. There are people that, for whatever reasons, want to re-debate this in 2 years. I get that. I just don't get how it actually gets people back to work. And with regard to the spending in this bill, we can help families that are hurting in this economy, particularly dur-

ing this cherished holiday season. But we can also figure out how to pay for it.

Lastly, let me say the American people have spoken on November 2, Mr. Speaker. The American people did not vote for more deficits or more stimulus or more uncertainty in the Tax Code. But that's just what this lame duck Congress is about to give them. I think we can do better. Every Republican in this Congress would like the opportunity to do better. Sadly, this rule does not permit us to even have a fair up-or-down vote on extending all the current tax rates, and I'm profoundly disappointed by that.

And so I rise in opposition to this rule, but I also rise in opposition to the underlying bill. We can do better. We must do better on behalf of hurting families and Americans who want to go back to work.

Mr. MCGOVERN. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I'll be voting "yes" on the amendment, and if it fails, as I expect it will, I'll be voting "yes" on the bill. I'll vote "yes" on the amendment, because we ought to have a fair estate tax in this country. But, instead, Republicans insist that we increase the deficit \$28 billion over the next 2 years in order to provide the lowest tax rates in 80 years on the richest few dozen families in each of our States.

We should care about the deficit. And to say that the tax rate included in the amendment is unfair is to say that every Republican voted for an unfair tax when they voted for the Bush tax law that was applicable to 2009.

Furthermore, another problem with the estate tax in the bill is that it provides a rate of tax for those deaths that occur in 2010 that is less than zero because the richest families can choose between a zero tax rate or huge write-offs on their income tax, which might be even lower, and they'll get the best possible tax advice.

Finally, under this bill you're going to have some people who realize that if the patriarch of the family dies this year, they save tens of millions of dollars over next year. I hope that no plugs are pulled.

I am going to vote for the bill only because of one question, compared to what? If we do not send this bill to the President's desk this year, he will certainly sign a worse bill next year. It is not clear that House Democrats were at the table in the December negotiations, but it is clear that House Republicans will be at the table for the negotiations in January on this bill. The President and Democrats in the Senate have already agreed to this deal and I fear that they would agree to something a little bit worse. So it is with great reluctance that I will vote for this bill, should the amendment fail.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I would like to make sure that we classify this not as class warfare, if you will, but a Good Samaritan waving the flag. And, frankly, if we take the best of America and recognize that working people need help, the unemployment insurance that is part of this bill is a valid part of it. The child tax credit, the payroll holiday, all of those speak to the vision of this Nation that we have the willingness to share.

We understand when men and women on the front lines of Iraq and Afghanistan, they fight not for any one class or any one community. They fight for America. So when we provide an estate tax that blurs the understanding of America, that we need an estate tax that is \$5 million and \$10 million, we're not telling the truth. The present law provides for most Americans, \$3.5 million for an individual, \$7 million for those who are couples; provides for family businesses; it provide for farmers. It works—and it has worked. It is not necessarily the best. But to give \$25 billion to \$28 billion unnecessarily that would go and take away from education and Social Security and Medicare, domestic spending that is necessary, is a crime.

So this is not about fighting against someone who has a few more dollars than the next person. It's to do what we're sent here to do and make sure that the capitalistic system works for everybody, including those who are now unemployed. Let's get our senses together. Let's get the Senate to understand what the real deal is. Fight for everybody, not just a small special interest group. It's time to stand up and be counted. And I'd like to see this rule go forward simply because I want to put it to them that you can't spend \$28 billion and waste it on those who don't need it.

□ 1230

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to our very, very, very diligent and hardworking ranking member of the Committee on Energy and Commerce, the gentleman from Ennis, Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished chairman-to-be of the Rules Committee, Mr. DREIER of California, my good friend.

Mr. Speaker, this is not a bad compromise that's before us, but it is also not the best compromise. It's not a bad deal, but it's not the best deal.

The gentleman from California who spoke on the Democratic side just a few minutes ago I think said it best when he said, In January, our Republican friends will be at the table. We are making a compromise today on the Republican side, in my opinion, that we don't have to make. I think the tax

cuts should be permanent, not temporary. I think the additional spending should be paid for now, not just added to the deficit.

A funny thing happened in November: We elected over 80 new Republicans. The majority is going from about 255 Democrats to 242 Republicans. You cannot tell me that the week before Christmas that Americans in the business community are deciding what their capital investments are going to be for 2011. Those decisions have already been made. So I am going to vote against the rule and, with reluctance, vote against the bill, not because it's a bad compromise but because we can do better. And I fully expect in January, when the Republicans become the majority party in the House, that we will do better.

So again, this is not the worst bill that has ever been before us, but it could be better and it should be better, and so I would ask my colleagues to vote "no" on the rule and "no" on the bill.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from the great State of New York (Mr. RANGEL).

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

Mr. RANGEL. For the first time approaching this rule, it is my understanding that if I want to stop \$23 billion from increasing the deficit by knocking out a Senate provision and substituting a Pomeroy, in order to do that I would have to accept the remainder of the Senate bill. I don't think Members of this House should have to make that choice.

It seems to me that if you believe that it is inequitable for a handful of people to receive such a large amount of money at the expense of the deficit, at the expense of discretionary spending, that we should have an opportunity, one, to vote against the Senate bill in its present form that does that, and two, to vote for Pomeroy, which would allow us to at least control the amount of tax relief that we give to estate taxes.

I yield back the balance of my time, but I do hope we get a rule that will allow us to express exactly how we feel, Republican or Democrat, because if you're not a part of the deal, it's hard to be supporting it.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, at this time, I would like to yield 1½ minutes to my colleague from the Commonwealth of Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

Mr. Speaker, like all major bills that we do here, there is good and bad in

this bill. There are things I like and things I don't like. That is a normal circumstance here. But in the final analysis I think people have to ask themselves one simple question: Are we ever going to get to the place where we pay our bills? This bill doesn't do it.

In 2002, the last time this House had the opportunity to be fiscally responsible—and that's not the same thing as fiscally conservative or liberal; it's responsible—we voted to let the PAYGO rules go and the results are where we are today. This bill will kill our children, with very little input or benefit at the moment. It is not an emergency.

I want a tax cut just like everyone else, but I also consider myself, and I am a social liberal. I do believe in Social Security and Medicare and senior housing and all the other things that we do here. I do believe in them. I know that others don't, and I respect those who want to cut those programs. Let's have that debate, but let's not do it through the back door. If you believe in those programs, it is incumbent upon us to pay for them. Voting for this bill simply empowers those who want to cut those programs anyway, and I cannot, in good conscience, support that.

This bill must go down even if the deal we get next year is worse. I understand that, but it's not the right thing to do for those of us who believe in the programs we have.

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

Mr. Speaker, Democrats and Republicans alike share the goal of job creation and deficit reduction; we regularly hear that argued from both sides of the aisle. The best way for us to do that is to encourage economic growth. Economic growth is the key to dealing with job creation and deficit reduction.

Mr. Speaker, I don't like this bill that is before us, but I like even less the idea of increasing the tax burden on working Americans—in fact, putting into place what would be tantamount to the largest tax increase that we have ever seen.

I am very pleased that President Obama is beginning to embrace the John F. Kennedy vision for economic growth, the vision that has recognized that reducing marginal rates does in fact create jobs and create more opportunity, and the famous John F. Kennedy line, "the rising tide lifts all boats." The fact that President Obama is now moving into that direction is a very positive thing.

He has also, on another issue that is going to create jobs, done so on the issue of trade. I am pleased that he wants us to move ahead with what will be the largest bilateral free trade agreement in the history of the world, that being the U.S.-Korea Free Trade Agreement. I think it is imperative for us to do this in Colombia and Panama as well so that we can create union and non-union jobs, good manufacturing jobs right here in the United States of America. That is an issue that I hope

we are going to be able to address early next year.

So, Mr. Speaker, I believe that it is the right thing for us to do, for us to make sure that we don't increase taxes on working Americans.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to close simply by saying that I agree with many of my colleagues who have come to the floor today to express their concern about how these tax cuts—mostly for the rich—will add an incredible debt burden on the backs of our children and our grandchildren. We can do better than this.

I am also worried because I think what my friends on the Republican side want to do is basically kind of take tax cuts for the rich off the table next year when they use a budget axe to go after domestic spending.

I would just say to my colleagues that as we have this debate on tax cuts, there are a lot of people in this country who this debate is meaningless to because they're falling through the cracks. We have an obligation to help strengthen the safety net in this country. And I worry about the agenda that my Republican colleagues are going to pursue next year. I worry that it's going to be on the backs of the most vulnerable in this country, and that is wrong. We have an obligation, a moral obligation to be able to make sure that everybody in this country not only has opportunity, but is also not allowed to fall through the cracks.

We have a hunger problem in this country. We have children who go to sleep at night hungry in the richest country in the world. We should be ashamed of ourselves. We can do better than add to the deficit by giving more tax cuts to the wealthy.

Mr. Speaker, with that, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

#### 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 bill of the House of the following title:

H.R. 6516. An act to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.