The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 504, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

TAXPAYER-TEACHER PROTECTION ACT OF 2004

The SPEAKER pro tempore (Mr. LATHAM). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5186, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 5186, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 505]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Boehlert
Brown-Waite, Ginny
Fattah
Filner
Gephardt
Greenwood
Hunter
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Slaughter
Tauzin
Taylor (NC)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1200

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 505, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON H. Res. 776, INQUIRY REQUESTING THE PRESIDENT AND DIRECTING SECRETARY OF HEALTH AND HUMAN SERVICES PROVIDE CERTAIN DOCUMENTS RELATING TO ESTIMATES AND ANALYSES OF COST OF MEDICARE PRESCRIPTION DRUG LEGISLATION

Mrs. JOHNSON of Connecticut, from the Committee on Ways and Means, submitted a privileged report (Rept. No. 108–754 Part I), on the resolution (H. Res. 776) of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, YOUNG of Florida, WOLF, WAMP, LATHAM, Mrs. EMERSON, Mrs. GRANGER, Messrs. SWEENEY, SHERWOOD, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, and Messrs. BERRY, MOLLOHAN and OBEY.

There was no objection.

□ 1200

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. REYNOLDS. By direction of the Committee on Rules, I call up House Resolution 828 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 828

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 7, 2004, providing for consideration or disposition of a conference report to accompany the

bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

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

Mr. REYNOLDS. Madam Speaker, House Resolution 828 is a same-day rule that provides for consideration of the rule to accompany the conference report to H.R. 4520, the American Jobs Creation Act of 2004. The rule waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

Madam Speaker, this Congress has been debating the American Jobs Creation Act of 2004 throughout this summer, all the while European Union sanctions on American exports have been quickly rising at a rate of 1 percent per month and now stand at a staggering 12 percent. They will continue their constant uptick at an additional 1 percent per month until the FSC–ETI is repealed or the rate reaches 17 percent.

Madam Speaker, these sanctions are unnecessarily costing domestic manufacturers, small businesses, and farmers billions upon billions of dollars. They are raising the price of 1,600 categories of U.S. goods sold outside the United States, and they are hindering the exporting capability of multiple industries. Farm products, jewelry, steel, tools, glass, toys, and clothing are among the goods subject to the penalty tariff. We simply cannot delay in delivering the needed relief to the producers and manufacturers of these products who have been subjected to the true financial hardship of this situation. Without our swift action, many small businesses and other employers face financial devastation and we risk job losses.

A conference report has been prepared that answers the call by repealing this export tax subsidy and providing tax incentives for domestic purposes. It simplifies complex international tax law, provides businesses with more resources to create new jobs, and is revenue neutral, so it will not add to the Federal deficit.

This Congress must continue its commitment to provide strong economic policies that spur growth and encourage domestic manufacturing while generating jobs and protecting our small businesses and farmers.

The answer is clear, Madam Speaker, passing the American Job Creation Act today is of the utmost importance to American workers and their families. I urge my colleagues to support this rule and the underlying conference report as it later comes about.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, my friend from New York has introduced a martial law rule to allow the House to consider the FSC-ETI and corporate tax giveaway bill at some point today. This bill has been lingering in legislative limbo for months, and we could have fixed this problem a long time ago for a lot less money. But now, one day before we have been told by the Republican leadership that we are going to adjourn until after the election, we have been rushed to the floor to consider a martial law rule to debate and vote on a bill that has barely been filed.

Let me repeat that, Madam Speaker. We are considering a rule for a bill that was just filed. We are considering a rule for a bill that has been available for just a few minutes. The American people do not know what is in the bill, but we are here rushing it through at the eleventh hour.

I cannot say I am surprised by the Republican leadership's actions. Unfortunately, the outrageousness of the Republican leadership's actions in the 108th Congress, from the Medicare vote, to the energy bill, to the continued fiscal irresponsibility, just to name a few, has made transgressions like this one pale in comparison.

But this martial law rule is not a trivial matter. It is important for my colleagues and the American people to know and understand exactly what the Republican leadership is forcing this body to do today. Madam Speaker, what we are doing right now on the floor of this great institution is flying blind, and that is par for the course for what takes place under this Republican leadership.

We can read in the newspaper reports that this bill is loaded up with goodies for special interests and friends of the Republican leadership. The Washington Post today editorializes that this bill should be vetoed. But I ask you, Madam Speaker, who other than the Republican leadership has seen the final version of this bill? Can the Republican leadership provide a copy of this bill for every Member right now so they can actually read it before we start this process? Why are we starting this process before every Member has had the opportunity to read and examine this important conference report—so we make sure it is exactly what we expect it to be?

I will tell you why, Madam Speaker. Because the Republican leadership did not finish writing the conference report before they filed this martial law rule. They are rushing through this process when they should be doing this carefully and deliberately. Madam Speaker, we should follow the rules of this House. Let every Member read the conference report before we vote on it.

Madam Speaker, there is an arrogance in this House that permeates from the top down. It is an arrogance that flaunts the committee process and thumbs its nose at the 431 Members of Congress who do not happen to be part of the Republican leadership. This arrogant attitude has reached a point that it is now common practice for major pieces of legislation to be written behind closed doors by just a handful of Members of the Republican leadership and then shoved down the throats of this body.

This is not just election-year rhetoric. Let us look at the evidence. The energy bill was written in the back rooms of the Capitol and the White House to benefit big energy companies and wealthy corporate contributors. It was introduced with little time to examine the bill and then forced through this institution by a heavy-handed leadership.

The Medicare prescription drug bill was written by a handful of Republican Members of the House for the benefit of HMOs and the big drug industry. It was brought to the floor of this distinguished body in the dead of night and the vote was held open for over 3 hours while the Republican leadership did everything it could to twist arms to their breaking point in order to win the vote.

The bill to enact the recommendations of the 9/11 Commission, a bill that should be among the most bipartisan bills considered in this Congress, was written in the Speaker's office. The 9/11 Commission held public hearings. The other body developed bipartisan legislation and openly debated their version on the floor this last week, yet the Republican leadership here in the House decided it was in their best interest to secretly craft this bill behind closed doors.

Important provisions that are approved by a bipartisan majority of this House and with recorded votes in this body are routinely stripped away behind closed doors. How many times, Madam Speaker, has this body voted in favor of amendments to close tax loopholes that benefit the Benedict Arnold companies that open up a post office box overseas so they can avoid paying taxes here in the United States? How many times has this body voted to allow the reimportation of prescription drugs from Canada only to have the Republican leadership kill these bills in the dead of night when no one is looking?

Instead of fostering debate and Democratic action, the Republican leadership has turned the rules of this House from a tool to guarantee orderly democratic process into a weapon that quashes informed democratic debate. It

is indeed, in every sense of the word, a disgrace.

Madam Speaker, we all know the United States is the greatest democracy in history, and this House is a great and noble institution. But it is the people's House, not the leadership's House, and the Republican leadership should treat it as such.

Madam Speaker, I urge my colleagues to consider carefully their rights when they vote on this martial law rule. Members have the right to know and understand exactly what we will be debating and voting on, and in this case, I believe few of us will enjoy that right.

Madam Speaker, I reserve the balance of my time.

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

I can see, just listening to the observations of the gentleman from Massachusetts that maybe he and I should go and observe the conferees, because what I just heard is not what I am hearing from some of the majority members of the conferees. I understand that all the provisions that were considered by the conferees either were in the House side or in the Senate side of the bill, so that both those versions were what they worked on. There are absolutely no new versions.

My understanding is there was a motion to instruct which failed that called for an open session, and yet the conferees that wanted that, got what they wanted. We had an open session on Monday and Tuesday and Wednesday of this week.

I also understand the Senate finance rules of the other body seemed to be what was happening, where members of the conference committee were able to submit amendments that they wanted in the Chair's markup of what they wanted to do, and there were just numerous expressions of what they were based on conferees doing that.

I also understand that ranking members and other members of the Committee on Ways and Means, which has jurisdiction, participated as conferees in this. So there has certainly been an open process.

Madam Speaker, this has been around a long time. We knew that FSC-ETI, based on the WTO sanctions would require us to move forward. We have had ample debate and passage of legislation here. It has occurred in the other body. As the conferees has met, we have seen them work through an open process that seems to be acceptable to the conferees in the submission of amendments, in the Chair's mark on those, and in the completing of our work.

Madam Speaker, there are no new versions of anything. It is either in the other body's bill or it is in the House bill that they have worked on. So I think that as we look, at a sense, in a bipartisan fashion, to see if we can continue to work hard this week and, if we can, complete our work, that we would be able to return to our districts, that we are moving there.

I understand, at least from the other body, that there is bipartisan support from the conferees on this legislation as it continues through the day.

Madam Speaker, I reserve the balance of my day.

Mr. MCGOVERN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means and a conferee.

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

Mr. RANGEL. Madam Speaker, I think most New York Members in the Congress probably have more self-esteem than we need in order to negotiate ourselves around this Congress, but my friend from upper New York is really better than all of us because he is telling us what is involved in a 600-page bill that has just been filed 5 minutes ago. Now that is extraordinary.

What is not extraordinary is that the leadership on the Republican side are using an extraordinary provision to avoid the rules, which only say that the Members of Congress ought to know what the gentleman from New York knows. He knows everything that is in the bill. Members of the Congress ought to know what is in the bill. They should understand the feeling of fishing tackles, and bows and arrows, and tax credits for animal manures. They should be able to understand how you are taking away charitable contribution, how we are converting the collection of taxes from the Internal Revenue Service to private corporations. They should understand that we are putting $42 billion in tax credits to allow our jobs to be exported overseas, which is something that we were trying so desperately hard not to do.

Martial law? How would the people understand what we are doing here? What are we rushing off to do? The bill costs $140 billion. They will come and say to us that it is paid for. Well, how are we to argue that if we do not have a bill to see how you pay for it? And the truth of the matter is, they call it paid for, but it is called phase-ins, it is called delaying the time it comes into operation, it is called sunsetting. There are so many things in this bill that, if they were so proud of it, they should let us know.

□ 1215

He called the bill FSC. FSC is a short-term expression of foreign service corporations in which we have been alleged by the World Trade Organization that we give some $70 billion in tax subsidies to exporters. What does it really mean? We could have really made ourselves look good in the eyes of the world by adding the $70 billion and, if we wanted, give a cut. Instead, we spend twice that much for items that are so unrelated to the bill in front of us. The bill is so bad that the Secretary Treasurer condemned the bill in a letter that he sent to my chairman, BILL THOMAS, saying it has taken care of everything else except the tax issues that the bill was there before us.

We have everybody here telling us that this thing is so important. I stand to be corrected because the gentleman from New York is far more a genius than I thought. I thought the bill was filed. He now understands bills that are not filed. And he is asking us to please inherit the genius he has to be prepared to vote on a $600 billion bill. This is $146 billion and then you take the $140 billion that we borrowed before, we would have a $286 billion bill that we borrowed the money for so that we could give it back to the corporations. It may sound good on the eve of an election.

If I understand this procedure correctly, we have to have martial law to avoid having 3 days for Members of Congress, who are not as smart as the proponent of avoiding the rule, to be able in 1 hour to vote on this bill. That is so truly unfair, not to Democrats, but to Democrats and Republicans.

It could be in the speed to go home and not to fulfill our responsibility that one taxpayer, one old lady, one young person that may just want to know what his future is going to be with the deficits the Republicans are leaving on them, what did you vote for? I have been in conference. We voted on bundles of amendments, 15 of them with one vote. We wiped them out. Was it open? Yes. But crimes are sometimes committed in the open. It is not all done in the darkness of night.

But at the end of the day, conferees are asking me, What finally ended up in conference? Because we do not know. Nobody in the House of Representatives today will know why we needed martial law, what is in this $600 billion borrowed bill, if you combine it with the other preelection tax cut; and we should have at least time, no matter how badly Republicans need to go home, especially to stop the rumors about the draft, but that is another subject; but you have to get home for whatever reason. But you should really give Members of Congress, new Members, older Members, time enough to know what is in the bill.

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

I think it is important that while the debate may go wherever it is that is germane to debate, that what I have come to this floor to do as a member of the Committee on Rules is to bring forth consideration of a same-day rule of legislation as it is filed for consideration today.

I outlined in my opening remarks that there is that opportunity that as we pass this rule, if it is passed today, which I believe it will be, that it affords us the opportunity to consider a rule later of a conference report on the American Jobs Creation Act conference

report. As I understand it, the legislation has been circulated to the conferees in final stead and that in a bipartisan aspect, at least in the other body, we have a number of Democratic Senators who have already signed and a number of Republicans. I cannot speak for what they are in this body.

But I know in regular order that as the legislation is filed, it will come up on the Ways and Means Web site, and it will again allow everyone to review it. And I know that before this legislation can come to the floor of this great body, it will require a Rules Committee meeting to also have a hearing which affords an ample opportunity for Rules members to listen and for those who choose to come up to the Rules Committee an opportunity to explain or answer questions on the legislation. And then we will have an hour debate on the rule, and then we will have whatever time the Rules Committee determines the debate will be on the conference report.

And so we certainly are not looking at the discussion we are having today, while it brings healthy debate on the floor of the House of Representatives, that this is a final act of anything. It is an opportunity to engage in the same-day consideration of the American Jobs Creation Act conference report which has been out there.

I understand that documents are now available on the Ways and Means Web site. That would mean not only all the Members in this body today but throughout our great institution can now see this legislation. To my knowledge, I do not have a time that Rules will convene, so I know we are not rushing it right after consideration of this legislation.

I urge my colleagues to begin to once again look at some facts: that there has been an open process of the conferees, even though a motion was defeated to instruct relative to open session, there has been one, on Monday and Tuesday and Wednesday of this week, of conferees; that a model of the Senate Finance markup submitted amendments as conferees saw fit and the chairman's mark came from a result of that. We know that there has been a bipartisan signing of the conference report in the other body. We know that there has been certainly signing of at least majority Members in this body and that all this rule does is give us the opportunity to continue moving to get our work done and to level the playing field on the WTO sanctions which will mean jobs for Americans as that comes about.

Madam Speaker, I reserve the balance of my time.

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

Let me just say to my friend from New York a couple of things. He began his opening statement talking in great detail about all the things that are in this legislation. Yet we have learned that it has not been filed. So until it is filed, we do not have the final product. He has now told us that it is on the Web page, documents are on the Web page that were made available about 3 minutes ago. I guess we should be grateful for that.

Let me ask the gentleman, is that supposed to replace the 3-day layover that conference reports are supposed to have under the rules of this House? That is the rules of this House, that we are supposed to have 3 days to look at this stuff. Instead, we do not have a bill that is filed; but we are told, be happy, don't worry, because there is all kinds of things coming over on people's Web pages and that is supposed to suffice.

What has us on this side frustrated is that you do not follow the rules. The leadership of this House on a regular basis breaks the rules. What we are simply saying is on a bill of this significance and a bill that has a whole bunch of goodies that have been added on, that you should follow the rules so that everybody in this House, not just a few select groups of the elite in the leadership, but there are 435 Members of this House, and every one of them is entitled to know what they are voting on before they go to vote.

Madam Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, today's martial law bill is necessary because we need to pass this Republican tax bill which is a cookie jar of tax cuts for corporate interests.

The bill contains goodies for the restaurant association, the ethanol producers, the big timber companies. It provides sweets for those who have enough money to own their own corporate jets. It even dishes out rewards to the railroads like Treasury Secretary Snow's former company, CSX.

What is appalling, Madam Speaker, is not that the bill provides goodies for U.S. firms. The Republican Congress does that all the time. What is appalling is that most of the cookies here in the jar are U.S. companies that take their profits and their operations and American jobs overseas. This is an overseas cookie jar.

Some of the biggest winners in this jar are multinational corporations. There is a cookie here for big oil and a cookie here for big tobacco and a cookie here for the alcoholic beverage industry and a cookie for the pharmaceutical industry. Imagine that. They have been doing so badly, you know.

These companies enjoy record profits. Oil is $52 a barrel today. American consumers are getting gouged. But instead of passing an excess profits tax, this Congress is going to give the oil companies another tax break. No wonder ExxonMobil's stock is now up 30 percent. If you sniff real carefully, you can see why Wall Street can smell these cookies. They have been hanging around in the halls up above my office for the last couple of days. This bill is going to raise taxes on America's biggest exporters and lower taxes for businesses that go offshore. For those firms that move offshore, we are going to give you some cookies.

Republicans think that passage of this bill the day before the President's debate on domestic issues with Mr. KERRY will somehow either get lost in that or will be used in it about how I gave big tax breaks to the companies. I do not know what they are going to do with it, but they have got something planned for tomorrow. It did not come up today under martial law because they had not planned it for 6 months.

Now, come the 2nd of November, Madam Speaker, this Congress is going to learn that that is not how the cookies crumble. I urge my colleagues to vote against this rule and against the conference agreement and get the special interests' grubby hands out of their cookie jar. If you did not get a cookie in your area, you can have one from my jar. Just come on over and get it.

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

I am not so sure my colleague has read the whole bill, though I realize it has just been on the Web site a short time. But as I listened to some of his description, he did not really talk about the fact that small business, that this bill extends and enhances section 179 of expensing for 2 additional years so small businesses can write off the cost of their investments up to $100,000 annually. I have been a small businessman. I know how big debt is. Maybe some others that have not had that opportunity do not really know how important that is to small business. Partnerships and S corporations receive a deduction for domestic production activities. It offers S corporations 10 reforms providing $1.2 billion in tax relief. It provides for faster depreciation on leasehold and restaurant improvements.

I come from some communities that they do not have chains in there. That is a small businessman on Main Street that is looking for a little expensing, an opportunity to have their building and a leasehold written off a little faster. Sometimes it gets lost in my great State of New York, the number one industry is agriculture like it is in many of my colleagues', but the deduction for domestic production activities is extended to farmers as well as to agricultural and horticultural cooperatives.

The bill provides for AMT relief for farmers and fishermen who income average. It extends an ethanol subsidy under current law through 2010, thus improving farmers' incomes. It extends double tax and triple taxation on farmer cooperatives. It provides capital gains relief when livestock is sold and replaced on account of drought or other weather-related disasters. It extends capital gains treatment to outright sales of timber.

When we look at our domestic manufacturers, the bill provides manufacturing companies, farms, and small businesses with $76.5 billion in stimulative tax relief through a deduction for income attributed for production activities in the United States. More tax relief is provided for business with proportionately more U.S. production operations. The deduction is available for domestic production activities only. The deduction is limited to 50 percent of wages paid to workers in America. The bill does not move jobs overseas.

I want to also cite to my colleagues, particularly those from the States of Washington, Nevada, Wyoming, South Dakota, Texas, Alaska, and Florida that I know of, you can deduct your sales tax if you do not have income tax like the gentleman from New York (Mr. RANGEL) and my great State has to pay. I look forward to the consideration of this body for a same-day rule which is all this is right now.

□ 1230

It is an opportunity to continue the debate and the rule later today, if the Committee on Rules grants one, and for debate on the floor of all the Members as we look at this legislation. Again, I want to remind my colleagues that I have been informed, and they can verify as they go to the Committee on Ways and Means website themselves, nothing was considered in the conference report other than provisions that were in this body's legislation or the other body's legislation and that we have received bipartisan support on conferees' signing the conference report as it comes to this great body for its consideration.

Madam Speaker, I reserve the balance of my time.

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

I just want to pay a compliment to my colleague from New York, with whom I am on the Committee on Rules, for his eloquence in describing all the great things that are in the bill that has not been filed and nobody has read yet. I am looking at my watch, and it is almost 12:30, and the bill has not been filed. I would hold my breath, but I am afraid I would die waiting for this bill to be filed.

I am on the Committee on Rules, and we are supposed to meet on this later today. We have not gotten a copy of the bill. We do not even know when we are going to meet. This is not the way this process is supposed to work. And while I have nothing but the greatest respect for the gentleman from New York and I want to believe everything he says, that everything is great and there is nothing bad or sinister about this bill, I have learned long ago that I need to verify everything here. Every Member of this House has an obligation to know what they are voting on. And again, they have undermined this process, which I think does a great disservice not only to the Members of this House but to the people we represent.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman for yielding me this time.

The FSC conference report is the wrong solution for America's manufacturing sector. This stack of fliers and literally hundreds of others was given to me by a group of people, the Akron machine shop operators in Akron, Ohio. They represent literally thousands of manufacturing companies in this country going out of business. ''Complete Liquidation,'' Dover, Ohio; ''Something for Everyone,'' Piqua, Ohio; another going out of business, Pettisville, Ohio; Independence, Ohio; Tallmadge, Ohio. All of these represent companies that are cannibalizing themselves, that are selling their equipment, that are going out of business, that simply are closing their doors and laying off American workers.

Ohio, my State, has lost 170,000 manufacturing jobs under President Bush. The Nation has lost 2.7 million jobs. It is not ancient history. It is currently reality. In my State in August, Ohio lost 4,000 more manufacturing jobs. During the Bush administration, one out of six manufacturing jobs in Ohio has disappeared, one out of six; 150 jobs every day in my State alone have disappeared during the Bush administration. President Bush will be the first President since Herbert Hoover to have a net loss of jobs during his administration. And all of these tax bills that the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. REYNOLDS) bring in front of this body, they have promised, President Bush promised, 6 million new jobs in this country. So far, we are 7 million short of that 6 million job goal.

President Bush, during the Republican convention, during his speech that all the pundits said was tough because the President stood there strong, mentioned the word ''jobs'' once, one time; he also did not mention Osama bin Laden at all. But he mentioned the word ''jobs'' once during that speech.

My mom taught me, if I am going to stand up and criticize, I ought to have something to say in its place; I ought to suggest something else. There is a bill that offers hope to small manufacturers, that will help States like Ohio and Michigan and New York rebuild their manufacturing base. The bipartisan Crane-Rangel bill that the gentleman from New York (Mr. RANGEL) worked on would reward companies that produce in America and employ U.S. workers. If they do 100 percent of their production in the U.S., they get 100 percent of the tax benefits. It was endorsed by the Manufacturers Association, by the AFL/CIO. It helps also proprietorships and partnerships. It is budget-neutral, adding nothing to the national debt. If has 170 cosponsors, roughly even number of Republicans and Democrats.

Let me be clear to my Republican friends, if they cosponsored Crane-Rangel and they turn around and vote for this conference report, they are selling out America's small manufacturers and they are selling out our communities. If they turn around and vote for this special interest bill instead of the bipartisan Crane-Rangel bill, they are selling out American manufacturing and selling out American jobs because the conference report takes us in the exact opposite direction.

Instead of rewarding investment in America, this conference bill continues to encourage giant multinationals to ship more jobs overseas. Instead of supporting the small business community, the conference bill rewards special interests, friends of particular Members of Congress, as the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from New York (Mr. RANGEL) pointed out. Instead of using honest policy to reach budget neutrality, it fudges the numbers to hide its multibillion dollar cost to American taxpayers. So not only is this a special interest bill that is going to undercut jobs today, it is also going to load even more debt on our children and grandchildren. It is the wrong direction to take the country. It is more of the failed economic policies we have seen out of this Congress and out of this President. It is time we change direction and help rebuild U.S. manufacturing.

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

I just listened, and I realize that a couple things need to come about, and that is that, months and months ago; it reinforces my original statements that we have had ample time as we have been debating this throughout the summer; there was a Crane-Rangel piece of legislation. There was a Thomas piece of legislation, and now there is an American Jobs Creation Act of 2004. I just want to remind the gentleman from Ohio, the previous speaker, that my understanding is the gentleman from Illinois (Mr. CRANE), who is the number two in seniority man and an individual who had authored legislation previously, has signed this conference report. If the gentleman were still in the Chambers, he would know that my previous remarks talked about the fact that this is all about small business and small manufacturing and farmers as we look at expensing vital everyday assistance to our small businesses, our small manufacturers and our farmers. And that is what this bill has got in it.

I want to remind my colleagues, as all the hysteria comes out here on the question of what it does to the federal deficit, again, I will put on the RECORD that the conference agreement is revenue-neutral. It does not increase the federal deficit. The manufacturing firms and the farms and the small businesses receive $76.5 billion in stimulative tax relief through a deduction, not a corporate rate cut, and tax relief is

provided for all these businesses and farmers and small manufacturers and co-ops, subcorporations, and other unincorporated businesses. It is all about helping America's small businesses. It is all about helping businesses compete fair and globally across the globe.

So, again, I want to remind my colleagues that this is a rule to consider a same-day legislation under the rules' permission for later today. I want to remind my colleagues that it is available on the Committee on Ways and Means' website, and I look forward to later in the day that we might have an opportunity to move forward on this legislation, that, again, I will remind them has bipartisan support and has had a fair and open process as conferees have moved forward with legislation, as I have repeatedly said.

Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMAS), the chairman of the prestigious Committee on Ways and Means.

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

I could not help but hear some of the discussion, which is obviously tied to the underlying matters rather than the question of a same-day rule. And the argument that someone has not seen it, I find it ironic that this particular conference, the first conference in my memory, was held entirely with the public permitted complete access, televised over the internal television structure for the entire time of the conference. There were no separate conference meetings. All of the conference meetings were public.

As the gentleman from New York said, the Committee on Ways and Means' website is now available. We have just filed a conference report, and under the rules, hard copies are required and hard copies are available.

The one point I want to make is, the constant and the only word that comes to mind is ''harping,'' the constant harping about the fact that we are not bipartisan. Bipartisanship is a two-way street. The Senate had 23 Senators on this conference. Twelve of them were Republicans. Ten of them were Democrats. And one was an Independent. Of the 12 Republicans, 11 supported the conference; i.e., they signed the conference report. Of the ten Democrats, six supported the conference report, including, I might tell the Members, the minority leader of the United States Senate and the ranking Democrat on the Senate Finance Committee. The Independent member on the Senate side chose to pass. So 17 of the 23 Senate conferees, a majority of both the Republican and the Democrat conferees, support the conference report.

Now let us take a look at the House side. Submitted for the entire House were three Republicans from the Committee on Ways and Means and the majority leader and two Democrats. For the Committee on Agriculture, two Republicans and one Democrat. For the Committee on Energy and Commerce, three Republicans and one Democrat. For the Committee on Education and the Workforce, two Republicans and one Democrat. And for the Committee on the Judiciary, two Republicans and one Democrat.

The four Republicans from the Committee on Ways and Means and the majority leader supported the conference report. None of the Democrats supported the conference report. From the Committee on Agriculture, two Republicans supported it, and the Democrat supported the conference report. From the Committee on Energy and Commerce, the three Republicans supported the conference report; the Democrat did not. From the Committee on Education and the Workforce, the Republicans supported it; the Democrat did not. The Committee on the Judiciary, one of the two Republicans supported it; the Democrat did not.

When we look at what the House does, it is not bipartisan because the people who were appointed by the gentlewoman from California (Ms. PELOSI) and the Democrats do not want to be bipartisan. They are the hardnosed partisans. If, in fact, the House would appoint people who want to come to a reasonable resolution, as the Senate does, it would be bipartisan in the Senate and bipartisan in the House.

I chaired that conference to produce a bipartisan conference. The only group that did not seem to want to be bipartisan is the same group that argues we ought to be bipartisan over and over and over again, and as one might guess, they are the partisans.

I thank the gentleman for yielding me this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair would like to remind all Members that while a Member may reference those Senators who signed a conference report that has been filed, it is a violation of rule XVII to characterize the position of the Senate or individual Senators.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the distinguished gentleman from New York (Mr. RANGEL), a member of the Committee on Ways and Means.

Mr. RANGEL. Madam Speaker, I rise to compliment the distinguished chairman of the Committee on Ways and Means, indeed of the conference, for his eloquent remarks on the subject of partisanship and this Congress and assure him that, in the next Congress, I hope that the Democratic majority would be able to be more bipartisan.

□ 1245

The question I thought was on the floor was not of being partisan, but the question of why are you suspending the rules of this House bringing in marshal law for a 600-page bill that is so complex that lawyers around the country are going to call it the lawyers' welfare bill?

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

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

Madam Speaker, first I want to thank the distinguished chairman of the Committee on Ways and Means for finally filing the bill. I am glad somebody is listening to us and has been responsive. But the fact of the matter is, and I will say this again, the rules of this House matter, at least they are supposed to, and we are supposed to have 3 days to review conference reports, the final product.

In the good old days, the gentleman from New York (Mr. RANGEL) will tell you, the conference reports routinely laid over for 3 days. People had a chance to read them. Members of both sides of the aisle had a chance to read them.

The fact is that the Republican leadership continues to ignore and to violate and to break the rules of this House, and no matter how you try to sugarcoat it and change the subject, the facts are the facts.

Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Madam Speaker, I want to spend just 30 seconds on process. It has been covered well.

If I can lift this bill, here it is. No speed reader can read this, I would say to the gentleman from New York (Mr. REYNOLDS), nobody.

On partisanship, this bill was handled in this House without a stitch of effort at bipartisanship. The two of us who were conferees and our Democratic colleagues on the Committee on Ways and Means never had a chance to participate in the creation of the House bill.

I want to talk about the substance. This is a $5 billion problem with a solution that is three times that in terms of the 10 year result. Five times ten is 50. This bill is $150 billion.

Who are going to be the main beneficiaries? Not the workers who are going to lose their overtime, because the House Republicans stripped the overtime provision that had been passed by the Senate, stripped it on a partisan basis. Not the kids who are going to end up smoking and the families who will also suffer with them. Why? Because the House Republicans stripped the FDA provision out of this bill that was part of the Senate bill. And not the workers in communities who are going to lose because of jobs going overseas.

I want to say a word to the gentleman from New York about some of the provisions he mentioned. Small business, the sales tax provision, these are sunsetted. It is dishonest budgeting, because we know they will not be sunsetted, and when you take all the sunsets out, the bill is really not revenue-neutral; there is an $80 billion deficit.

Madam Speaker, this continues to the pattern of Republicans talking one

way and acting another. I think you can call it flip-flopping.

Let me read the letter from Secretary Snow that the gentleman from New York (Mr. RANGEL) referred to. This is his letter a couple days ago: ''The administration believes a conference report to replace FSC-ETI should be budget neutral. Both the House and Senate-passed bill include a myriad of special interest tax provisions that benefit few taxpayers and increase the complexity of the Tax Code. Legislation taking up more than 1,000 pages of statutory language or even 400 pages goes far beyond the bill's core objective of replacing the FSC-ETI tax provisions with broadbased tax relief that is WTO compliant. The administration will work with the conferees to eliminate these narrowly-crafted provisions.''

Madam Speaker, that has not happened. The administration essentially has flip-flopped, has caved in. So all of these special interest provisions that have been mentioned have stayed in—for railroads, for shipbuilders, for bow-and-arrow manufacturers, for importers of Chinese ceiling fans, for the horse- and dog-racing industries.

Madam Speaker, we could have done better. We needed to replace FSC with a bill that the four of us introduced relating to manufacturing. Instead, we have this huge monstrosity of a bill. We should go back to the original purpose.

I urge we turn down this provision here of martial law and then turn down the rule and then turn down the conference report, and come back quickly and do the work that is necessary to preserve manufacturing in the United States of America.

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

Madam Speaker, I took a look at that 12-inch set of legislation, and I just want to alert my colleagues, because it is on the Committee on Ways and Means Web site. If you go to waysandmeans.house.gov and take a look and see what is new and look for the conference documents, you are going to find that. So you do not have to carry that anywhere; it is going to be right on your computer, right in your office.

For those who are looking for some specific things, I urge them to consider the Adobe Acrobat so they can word search anything they are interested in.

But, as I said earlier, and I am sure the gentleman did not hear my predecessor speaking, I come from a small-business world. I took a look to see what small business said.

Over 250 companies and organizations have supported this legislation as this body considered it. So you get the U.S. Chamber of Commerce, the National Association of Manufacturing or the Business Roundtable. But we get right down into main street and that village of USA when NFIB and the other small businesses talk about how important expensing and other opportunities that are in this legislation to be considered are.

But I cannot let someone address the fact that the Republican majority is not interested in tax simplification. Quite frankly, it is the opposite. We have been resolute in our commitment to small business, to farmers, to manufacturers and just plain old tax simplification. Not only by action in the House, but in this election season across America, I have heard it time and time again by my Republican colleagues as they talk about the push and the resolute objective of having tax simplification here in the United States Tax Code.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, what I object to is the fact that the Republican leadership does not want to follow the rules of this House.

Madam speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman for yielding me time, and I thank the ranking member and everyone who believes they come from certain communities.

I come from a small-business community, and I remember, just a few weeks ago, standing with my bipartisan colleagues on the single focus that is crucial for a State like Texas, and that is the ability to deduct our sales tax in Federal income tax filings.

Madam Speaker, I enthusiastically support that, but in flipping through this bill, it is a maze, and it is almost impossible to determine where that provision is. If there was a freestanding response to the small-business community and a freestanding response on the sales tax, we would have bipartisan unity.

I stood alongside of a bipartisan House and supported tax child credits for Americans and the marriage penalty relief for Americans, but the question to my colleagues is, how are you going to pay for it? And let me tell those who will vote for it, this relief on sales tax is only a 2-year relief. What family can plan their income, can plan their future, knowing that they can only deduct sales tax for 2 years. I wish we could have had a clean vote on this single relief for small businesses and working families.

So I would simply argue, if someone can give to me the reason why we could not go in a bipartisan manner on giving relief to those who are suffering under the burden of sales tax and cannot deduct them, why you could not do that without the enormous loopholes, the overburden of taxation, and when I say overburden of taxation, the ability to give others the ability not to pay taxes?

Let me remind my colleagues on this marshal law, we are paying $5 billion a month in Iraq, and I understand $1 billion a month in Afghanistan, and we do not know where it is going to end. There have to be choices in this House.

We are about to debate homeland security, and I expect that that is going to be a mighty penny, no matter how much and what we ultimately pass, unfortunately, not with the kind of consensus we need. I argue, tell me, where are we giving relief to our families in Texas? I will give further consideration to this bill, however, I believe further deliberation is necessary. I want most of all to give relief to the working families and small business tax payers of Texas. My constituents really need this relief.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MCGOVERN) has 2 minutes remaining and the gentleman from New York (Mr. REYNOLDS) has 7 minutes remaining.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, this is bad procedure to adopt bad tax policy. I want to get parochial and address my fellow southern Californians. This bill shafts southern California.

Take a look at Roll Call. ''Studios Take a Hit in the Tax Bill.'' The article explains how America's number-one exporter, how the underpinning of our southern California economy, gets shafted in this bill. It quotes Mr. FOLEY by saying, ''I am sure it is not entirely based on the fact that the motion picture industry hired Dan Glickman.'' Well, it is substantially based on that.

The article goes on to say that the bill neglects our number-one exporter, even though it is supposed to be an export-promotion bill, because of the hiring of Glickman. It quotes a lobbyist as saying, ''No Republican will fight for the movie industry.''

My fellow southern Californians, prove them wrong. Vote against the martial law rule, vote against the rule and vote against the bill. This is not just a shafting of southern California; it is the entry of corruption into the congressional process. It is a corrupt shafting of southern California.

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

Mr. MCGOVERN. Madam Speaker, to close, I yield 1 minute to the distinguished gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means and also a conferee.

Mr. RANGEL. Madam Speaker, I thank the gentleman so much for giving me this opportunity to close, and I suggest to my colleagues that they vote against this marshal law. Marshal law means there is an emergency, that we have to get this bill on the floor. It does not mean that you take a complex 600-page tax bill and tell the Members, ''go to the Web site.''

Believe it or not, this is not a partisan thing, because I would be on this floor to protect the jurisdiction of the Committee on Rules if we were in the majority. You keep cutting away from the responsibilities of the committees and the subcommittees, and especially the Committee on Rules.

The Committee on Rules, they are the traffic cops. They are supposed to have an equitable distribution of the time and allow for Members to know what they are going to debate. If you do not have a bill filed, if you do not know what is going to be in front of you, you are caught in the embarrassing position of saying, I do not know.

Go to the Website? How can you go to the Website and be on the floor? How can you ask the Website a question? You are supposed to want to pull up this Tax Code, which we got today, by the roots. Instead, you bring 600 pages of fertilizer and make it more complicated.

This is not simplification. People may ask you what is in the bill. I want to give you a chance.

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

Madam Speaker, we certainly know that the legislative calendar for this year was set to complete our work on October 1. We are now here on October 7 and working to get our work done. And it is my hope that we continue on the 9/11 debate today and other important matters pending.

It is also my hope that we are able to consider the legislation dealing with the American Jobs Act of 2004.

□ 1300

We know that since this last hour, that we are asking the body to consider a same-day rule so that we can consider the legislation if and when the Committee on Rules meets and sends to this floor a rule for consideration of the underlying legislation. We know that the gentleman from California (Chairman THOMAS) has personally come and filed the report for the conference report before this body, and we have seen in the last hour both what the bill looks like, with some 1,300 pages and 12, 13 inches thick, and we heard me previously say that the Committee on Ways and Means Web site address, waysandmeans.house.gov, if you go to ''What's New'' and you look for conference documents, you will find the conference report, which is bipartisanly signed, in its entirety. And, if you want, the Adobe Acrobat has the word search so that you can find anything you are interested in finding.

This legislation has been around for a while. Again, I will repeat myself, as I have several times in this debate: It has nothing in it within the provisions that was not considered in this body or the other body by as the conferees came together. It was an open conference, even though the motion to instruct was defeated, and we followed the Senate rules whereby members of the conference could file numerous and countless amendments, which were considered, and we now have a final word product.

I know the debate on the floor, as we get through this, either today or this early evening or if it ends up tomorrow, will have all sorts of interpretations. We will get down to the fact that it is going to help American business, and that includes small business, farmers, and small manufacturers.

The Republican leadership and the Committee on Rules has met. They are not acting against the rules of this House. Quite frankly, we have asked for consideration of the body by majority vote to determine if we can have a same-day consideration, and that is what is going to happen as we have a vote here shortly.

Mr. Speaker, I move the previous question on the resolution, which is same-day consideration of the legislation before us, and I yield back the balance of time.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. THOMAS (during consideration of H. Res. 828) submitted the following conference report and statement on the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad:

PROVIDING FOR CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 827

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed three hours and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 4, 2004. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. Upon passage of H.R. 10 and receipt of a message from the Senate transmitting S. 2845: (a) the House shall be considered to have: taken from the Speaker's table S. 2845; stricken all after the enacting clause of such bill and inserted in lieu thereof the provisions of H.R. 10, as passed by the House; passed the Senate bill as so amended; and insisted on its amendment and requested a conference with the Senate thereon; and (b) the Speaker may appoint conferees on S. 2845 and the House amendment thereto at any time.

Sec. 3. The motion to instruct conferees otherwise in order pending the appointment