

player in global business transactions. In the early 1960s, Western Europe was still recovering from the scars of World War II and the Asian business environment was just developing.

Today, our European and Asian competitors produce products and services of world-class standards and have consumers that demand the same. American companies must compete in these markets but are sometimes still bound by a tax code that presumes they are the only player on the field.

The American system of taxation—based on a “worldwide income” model—basically taxes all income earned by American companies both in the United States and abroad and then gives credits for taxes paid in other countries. Many other countries look only at income earned within its borders—based on a “territorial” model—but make certain exceptions for income earned abroad.

The tax departments of American companies are double and triple the size of tax departments of their foreign competitors. I believe there are more productive uses of corporate assets than complying with the arcane rules that make up our tax system.

At the House Ways and Means Committee, we’ve been taking steps to modernize the tax rules for American businesses working in the global business environment. We were also forced to change our tax code because of rulings by the World Trade Organization. Yet there remain dozens of places in the tax code that need work. The bill I am introducing is a first draft at this work. I am introducing it as the 109th Congress comes to a close and I invite those who are interested in these issues to work with me to either fine tune these provisions or find broader strokes to envelop wider solutions. I hope to reintroduce similar legislation early in the 110th Congress.

The bill I am introducing would get rid of some of the rules regarding the worldwide grab for revenue. The part of the tax code known as “Subpart F”, in particular requires that tax be paid on income earned in foreign countries where American companies are making goods and providing services as if that money were earned in this country. The presumption is that companies are just keeping money offshore so that they can avoid American taxes. But we know that American companies must engage in business activities such as making loans to finance the sale of their goods and that a temporary provision exists to allow companies to engage in this legitimate business activity without seeing their income taxed immediately. My bill would make this provision of the tax code permanent.

I’d also repeal the rules that require immediate taxation of American subsidiaries on the income earned when related subsidiaries do business with one another. The anti-deferral rules are meant to discourage parking money offshore and evading taxes but the rules as written punish American companies that try to work collaboratively with their subsidiaries. If a subsidiary in Germany is working on a project with a subsidiary in Brazil, that income should not be subject to immediate tax in the United States. American subsidiaries should be able to work together for sourcing products and services rather than being encouraged by the tax code to work with other companies. By having subsidiaries work together on sales and services projects, American parent companies should see higher growth and productivity.

I have had several companies request that I fix specific parts of the rules on sales and services income. Because the full repeal of these rules is likely to be scored as a big loss to the Treasury, I may have to whittle away at these rules bit by bit instead of taking one bold step. I would like to hear comments from the business community and tax lawyers on the full repeal of these rules as well as inviting comments and suggestions on more narrow approaches.

Another provision in this bill would make permanent a temporary provision that permits related American subsidiaries in other countries to make dividend, interest, rent and royalty payments between subsidiaries without being subject to current taxation in the United States. We’ve already decided that this is not a business activity that should be penalized and we should now take the step of making it permanent.

The foreign tax credit regime prevents double taxation of income in multiple countries. Because use of credits is restricted in some circumstances, credits are not always used in the year earned. My bill would double to 20 years the current 10-year carryforward period that sometimes causes credits to expire before they can be used. While this would virtually eliminate the expiration of credits, I would like to hear from companies that would instead prefer to have the ordering rules changed so that oldest credits would be used first.

The bill changes a simple threshold for when American subsidiaries abroad are subject to the Subpart F rules. The current \$1 million or 5 percent of income threshold, set generations ago, would be raised to \$5 million or 5 percent of income.

Another provision of the bill concerns how earnings and profits are reported. Publicly traded companies are required to file financial statements, based on Generally Accepted Accounting Principles (GAAP) in the United States. My bill would permit American subsidiaries abroad to report their foreign earnings and profits based on GAAP rather than the American tax accounting rules of uniform capitalization.

The bill would accelerate the effective date of a provision of law that allows companies to allocate their interest expense as if all members of a worldwide group were a single corporation. This change would speed up the ability of companies to use a formula for allocating interest expenses.

Finally, this bill would repeal special rules on income from foreign oil and gas. American oil and gas companies need to explore and develop energy sources in other countries where oil and gas deposits exist. The provision would also repeal special tax rules that limit foreign tax credits for oil and gas companies, thus permitting underlying tax rules to apply.

The provisions of this bill generally focus on American corporations that have subsidiaries abroad. However, there are two other areas on which I invite comment for the next version of this bill. One is the inverse of this bill and concerns subsidiaries in America that have a parent company abroad. Global businesses know that having American operations is strategically important and I know that these businesses provide excellent jobs and contribute to American economic expansion. The other area on which I invite comment is individual taxpayer concerns regarding international taxation.

I want to thank several professional tax staffers who have helped to comb through many proposals and provided invaluable advice to me in drafting this legislation. They are: Marc Gerson from the Ways and Means Committee, Tom Barthold, Patrick Driessen, Tara Fisher, Chris Gerke, David Lenter, and Allen Littman from the Joint Committee on Taxation.

SEPTEMBER AS CAMPUS FIRE SAFETY MONTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, recognizing the organizations that have worked to promote fire safety and save young lives.

Mr. Speaker, H. Res. 295, which establishes September as Campus Fire Safety Month, is a vital part of our efforts to raise awareness about the importance of fire safety across the Nation. Along with the U.S. House of Representatives, 31 states, representing 61 percent of the population, have introduced proclamations and, as a result, many colleges and universities are holding campus fire safety training events during September.

There are several key organizations that are working tirelessly to promote the cause of fire safety and were instrumental in the introduction and passage of H. Res. 295. These include: The Center for Campus Fire Safety, Congressional Fire Services Institute, International Association of Fire Fighters, International Fire Chiefs Association, International Code Council, International Fire Marshals Association, National Association of State Fire Marshals, National Electrical Manufacturers Association, National Fire Protection Association, National Fire Sprinkler Association, Society of Fire Protection Engineers, and Underwriters Laboratories.

The Center for Campus Fire Safety is a central focal point for campus fire safety issues and is led by a staff and Board of Directors of dedicated individuals: Edward Comeau, Michael Halligan, Shawn Kauffman, Timothy Knisely, Paul Martin, and Michael Swain.

The aforementioned individuals are to be commended for their commitment to protecting students and improving fire safety on our campuses.

Teaching our youth the importance of fire safety during their college years will help to protect them not only while they are in school, but for the rest of their lives. The fire safety lessons and skills they learn will be vital in helping to reduce the horrific death toll from fire which claims the life of almost 4,000 people every year in all occupancies across the Nation.

HONORING WENDY KOPP, PRESIDENT AND FOUNDER OF TEACH FOR AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor one of my constituents, Wendy Kopp,