through fiscal discipline, so, too, must this Congress.

House Republicans are passionately committed to creating jobs and getting the American people back to work.

□ 1030

WOMEN'S REPRODUCTIVE RIGHTS

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, reproductive self-determination is one of the most fundamental civil and human rights a woman can have. And this right is under attack in the health care reform debate. Let's be clear that the real goal of the anti-choice opposition is not to maintain the status quo. Rather, they want to extend Federal prohibitions into private pocketbooks. They hope to make abortion coverage so unattractive that insurers eventually stop offering coverage for an otherwise legal medical procedure.

Women do not plan to have unintended pregnancies or pregnancies with complications. Unfortunately, these do happen. It is deeply insulting to tell women that if you want to guard against these unplanned situations, go buy additional coverage.

Essentially, health insurance companies today already treat being a woman as a preexisting condition, and they charge us more for it. The men of this country would rise up in protest if they faced this kind of unequal treatment based on conditions particular to their gender.

JOB RECOVERY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today Congress is faced with one of the greatest economic challenges of our time: high unemployment rates. It is a challenge that we must be determined to meet. While current unemployment numbers are still too high, the continued decline of job losses is a promising sign of economic recovery that we must build on.

We have already taken bold steps to lift our Nation out of recession. Since January, we have stabilized the financial system, revived lending to small businesses, prevented home foreclosures, cut taxes for the middle class, extended unemployment insurance, and created and saved more than 1 million jobs.

We must now build on this progress for continued job growth. Yesterday, the President outlined a frame of action to produce the greatest number of jobs while generating the greatest value for our economy. His top priorities include helping small businesses grow and hire new staff, additional investments in our roads, bridges, and infrastructure to create shovel-ready jobs, and increased investments in clean energy to spawn more green jobs.

In order to face our unemployment crisis head-on, Congress must follow the President's lead by passing a comprehensive jobs recovery package.

WALL STREET REFORM AND CONSUMER PROTECTION

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, for 8 years, President Bush's administration looked the other way as Wall Street exploited our financial system and ignored mounting risks. This failure to regulate our markets led to Wall Street gambling with America's livelihood and compromised our families' futures and savings.

Here we go again, making the tough choices that are necessary to bring our economy back from the brink of disaster. This great Nation is suffering the consequences of a period in our history where living beyond our means plagued not only American consumers but also those on Wall Street whose greed compelled them to take indefensible risks. The market failed us. It certainly wasn't a free market. It's beyond a ''minor adjustment.''

Wall Street reform is a critical step as we turn the tide and change not only how we deal with our financial sector but also where we lay to rest 8 years that marked the most fiscally irresponsible period in our Nation's history.

As we rebuild our economy, we must put in place commonsense rules to ensure Wall Street cannot jeopardize our recovery again.

STUPAK AMENDMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise in objection to the Stupak-Pitts amendment that was added to our Affordable Health Care for America Act 1 month ago. It represents an overreach that denies women the right to buy abortion coverage with their own money. It will eventually deny all but the wealthiest women in America access to reproductive choice.

Were it up to me and many of my colleagues on both sides of this issue, abortion would never have intruded into our health care debate like this. But sadly, the Conference of Catholic Bishops had other ideas. They chose to hold comprehensive health care reform hostage to the abortion issue. They lobbied for this legislation in a manner that was unbecoming to our faith, and in doing so, they failed their obligation to help the poor and heal the sick.

Nonetheless, I'm heartened to see that, yesterday, our colleagues in the other body rejected a similarly overreaching amendment. I hope that we will get back to a common ground approach when it returns from conference. America's women need a health care bill that ends discrimination against them, not encodes it ever further into our system of law.

PROVIDING FOR CONSIDERATION OF H.R. 4213, TAX EXTENDERS ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 955 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 955

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Speaker, this rule provides for consideration of H.R. 4213, the Tax Extenders Act of 2009. The rule waives all points of order against consideration of the bill except those arising under clause 9 and 10 of Rule XXI and against the bill itself. The rule provides that the previous question shall be considered as ordered without intervening motion except 1 hour of debate and one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of this rule to assist American families and small businesses with needed tax relief in a time when American citizens and American small businesses are beginning to turn the corner. This rule will allow us to bring legislation to the House floor later today that will not only strengthen our economy by directing tax relief to middle class families and creating jobs at small businesses, but will also do this in a deficit neutral, fiscally responsible way.

Since being elected to Congress, I have repeatedly voted, along with my colleagues, to cut taxes for middle class families and small businesses. In doing so, we have upheld our pledge to the American people, and I have kept a promise I made to my constituents to provide much-needed tax relief and incentives for economic growth.

I know that there are many families and businesses in my district that are struggling in the current economic crisis with rising costs of everyday items, including food, gas and health care. The legislation this rule provides for consideration of will extend a number of critical tax-relief measures that are relied upon by middle class families and small businesses to improve the quality of life and strengthen our economy.

I am aware that we face harsh realities in addressing the current economic crisis. While these are challenging times, we simply cannot endlessly borrow our way out of this situation. The legislation we will consider under the rule strikes the necessary balance between continuing the tax incentives that will help families and businesses continue to improve their position while offsetting the cost of extending these provisions by tightening tax compliance and making commonsense changes to the tax treatment of compensation paid to hedge fund managers. This change applies to investment fund managers the same rules that apply to real estate agents, waiters and CEO stock options.

In doing so, we will extend $30 billion of expiring temporary tax provisions through 2010, including the existing deductions for tuition expenses, the research and development tax credit, and the State and local property tax deduction, among others, and we will do so without increasing the deficit and without any additional borrowing.

The American people understand the idea of PAYGO, that Congress should have to balance its books just as they do. Mr. Speaker, the House of Representatives continues to show a strong commitment to the pay-as-you-go rule adopted in January of 2007. I applaud my Blue Dog colleagues for their outspoken leadership on PAYGO, and I am proud that the House has passed legislation that would create statutory PAYGO.

All of the incentives that are included in this package will expire at the end of the year unless Congress acts to extend them. It is vitally important that these tax incentives are extended in order to maintain the economic recovery that has slowly started to take hold in this country.

The legislation's extenders create important tax credits for individuals. It extends the deductions for tuition and education expenses, helping families send their children to college. It continues to allow teachers to claim a credit for up to $250 in out-of-pocket purchase of classroom supplies to better educate our children, and it extends the increased standard deduction for State and local property taxes so that working families can keep more of their hard-earned dollars for other necessities during these tough economic times.

The legislation includes an extension of several provisions important to businesses, including the credit for a company's R&D expenditures. Extending the research and development credit is vital to ensuring that American companies remain competitive and on the cutting edge of innovation. This credit is of particular interest to the area of New York that I represent because its extension will further the expansion of the microchip fabrication and nanotechnology industries which are beginning to blossom in upstate New York.

In the past, the R&D tax credit has lapsed, and Congress has had to retroactively extend it. American companies rely on this credit and upon its continuity so they can adequately plan for their long-term research projects. I support this proactive extension to provide that continuity, and I will continue to work for a much-needed permanent extension that would eliminate concerns for further expirations or lapses.

The bill also extends expiring measures to address the drop in charitable giving that has been caused by the current state of our economy. It does so by extending deductions for charitable contributions of real property, food inventories, books, and computer equipment. The bill allows tax-free charitable contributions from an IRA account of up to $100,000 per taxpayer per year.

When I speak with constituents who work and volunteer their valuable time with not-for-profit organizations, they tell me this is more important than ever today in our struggling economy. These provisions help those organizations continue to provide the assistance to those in need, which is particularly important today.

Supporting this rule and the tax-relief legislation we will consider later today is simple and common sense. We can provide tax relief and incentives to middle class families, spur innovation, retain and create jobs, reduce our dependence on oil from hostile nations, and reduce greenhouse gases. And we can do it all in a fiscally responsible manner.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

The underlying legislation of H.R. 4213, the Tax Extenders Act of 2009, extends for 1 year a number of noncontroversial, temporary tax-relief provisions that are set to expire at the end of this year. These provisions will benefit individual taxpayers, students, teachers, small businesses, and other companies that invest in research and development.

While I support these temporary tax-relief extensions, I believe that these tax provisions should be made permanent, or that at the very least they should be extended for more than 1 year. For example, the bill includes a 1-year extension of the sales tax deduction. This provision is very important in Florida, the State that I'm honored to represent, because without this deduction, Floridians would end up paying significantly more taxes to the Federal Government than the taxpayers with similar profiles in different States.

□ 1045

These year-to-year extensions, while better than no extension, fail to provide the predictability and the certainty that small businesses and families need to plan their budgets. Leaving these important tax-relief provisions to the last minute, also, I believe, is most unfortunate. It unnecessarily places an additional burden on families and small businesses that are already struggling in this economy.

I also oppose the inclusion in this legislation of a permanent tax to pay for temporary tax relief. The bill would raise the tax rate on investment gains received from an investment services partnership interest, which is currently taxed at a rate of 15 percent, to a rate as high as 35 percent at the end of 2010, and then the tax will rise to 39 percent.

My colleagues on the other side of the aisle claim that this is a tax on Wall Street venture funds; but as our friend, Congressman KEVIN BRADY, explained last night when he testified before the Rules Committee, about half of that tax will be paid by real estate partnerships that build apartments, homes and shopping centers in our communities. Those real estate partnerships invest in new infrastructure in our communities and they help create jobs in the construction industry. Yet once this tax hits those partnerships, they may very well reconsider their investment decisions and abandon their partnerships for other investments, further hurting our communities and hampering possible economic recovery.

The construction industry has been hit very hard, Mr. Speaker, in the community that I am honored to represent, and too many jobs have been lost. What we need to be doing is providing incentives for job growth and investment in the construction industry. Unfortunately, we are doing the opposite with this legislation.

During his first inaugural address, President Reagan said, It is not my intention to do away with government. It is, rather, to make it work, work for us, not over us, stand by our side, not right on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

The legislation being brought to the floor today will not do what President Reagan said we need to do.

With unemployment at 10 percent and an economy struggling to recover, this is not the time to raise taxes, particularly a tax on capital investments that help create jobs. This new tax will discourage the entrepreneurial risk-taking that our economy desperately needs right now in order to create new jobs.

Mr. Speaker, for centuries the United States prospered because we have been the safest place in the world to invest. It was good for business to invest in the United States, to create new businesses, in other words, to create jobs in the United States. We are moving away from that philosophy that made this country the most prosperous Nation in the history of the world. Because of that, our economy will continue to suffer. We are moving away from that.

Just yesterday the President, for example, called for increased capital investments in small businesses. Yet here we are today, ironically, increasing taxes on capital investments that could help small businesses grow and provide them the capital to hire new workers.

During yesterday's Rules Committee hearing, we heard testimony from my friend and distinguished colleague from Louisiana (Mr. CAO) regarding a proposed amendment that he wished to have the House debate today. His amendment would extend the time for making low-income housing credit allocations under the Gulf Opportunity Zone Act by 2 years. According to Mr. CAO, this extension is needed to preserve the availability of financing for affordable housing projects in the Gulf States. This amendment is just another example of Mr. CAO's thoughtful efforts continuously on behalf of his constituents.

Unfortunately, the majority on the Rules Committee decided that once again they would block all amendments from consideration, including Mr. CAO's, as well as amendments submitted for consideration by Mr. BRADY, Mr. REICHERT and Mr. GEOFF DAVIS of Kentucky. It's unfortunate the majority continuously closes down the process and blocks consideration of amendments.

Yet, Mr. Speaker, they campaigned on the promise of openness. They said they would open this process as it had never before been opened, that there would be a transparency that had never before been seen; and what we have seen is exactly the opposite.

They have closed the process like never before. The majority should have allowed consideration of all the amendments to the legislation that were submitted before the Rules Committee, Mr. Speaker.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, a member of the Committee on Ways and Means, Mr. DOGGETT.

Mr. DOGGETT. I thank the gentleman.

This rule provides for consideration of a $31 billion spending bill, including some worthwhile provisions and some not-so-worthwhile provisions. Approval of this tax extenders package has become something of an annual ritual, regardless of whether Democrats or Republicans are in charge, and the term ''temporary tax break'' has become an oxymoron.

If today's proposal required the government to write more checks to Wall Street and other fortunate Americans, there would be howls of protest; but because this involves tax expenditures, not direct expenditures, there is no protest, and there is no scrutiny of the expenditures. A tax expenditure occurs when this Congress decides to award some interest group, usually those with the most powerful lobbyists, the right to avoid paying taxes on the same basis as the rest of us by writing in some preference, deferral, loophole, or tax break.

The principal alleged virtue of today's bill is that it changes nothing. There is nothing more, there is nothing less than the advantages that Congress has repeatedly extended in the past.

In a modest effort to address the glaring disparity between the sunlight of the appropriations process and the shadows of the Tax Code, today's legislation does include a new requirement that I authored requiring that the Joint Committee on Taxation and the Government Accountability Office thoroughly evaluate and report on a set of criteria, the cost-effectiveness of each of these tax expenditures.

The Center for Tax Justice has been an invaluable partner in securing this provision. A good example of the urgent need for review was provided only yesterday regarding one of the most popular provisions in this bill, the research tax credit, that I have long personally supported. Calling for its permanent extension has become synonymous with being tech friendly and being concerned with economic growth.

But the Government Accountability Office ''identified significant disparities in the incentives provided.'' It determined that ''a substantial portion of credit dollars is a windfall'' for some, while much ''potentially beneficial research'' receives nothing. That is why we should be scrutinizing these tax expenditures, even the most popular, at least as closely as we do direct expenditures.

On the plus side, today's bill does effectively address international tax evasion by individuals. On the minus side, it does nothing to stop an even more egregious abuse by corporations shifting jobs and tax revenues overseas. In fact, while some try to draw a distinction between illegal tax evasion and tax avoidance, the only real difference between individuals illegally hiding their cash overseas and corporations manipulating the Tax Code is that the corporations have better lobbyists to obtain a veneer of legitimacy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. DOGGETT. Similarly, the equitable taxation of carried interest in this proposal is belatedly a step forward, but it presents two problems. First, the bill fails to distinguish venture capital, which is so important in spurring new businesses in the most innovative sectors of our economy.

Second, the Senate is most unlikely to accept the financing that we propose here and instead is likely to grab something from our health insurance reform pay-fors and begin taxing employer-provided health insurance as a substitute, something that so many Members of this House have opposed.

Facing a soaring deficit, to me tax justice means before we ask working families to pay any more taxes, we ought to ask why Congress has done so little to crack down on those getting special treatment and to prevent billions of dollars of tax avoidance. Next year, America deserves a little more tax justice and a more level playing field for small businesses that cannot take advantage of all the dodges available to their multinational competitors.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my good friend from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today to express my deep concern about gulf coast disaster relief left out of this bill.

Yesterday I offered an amendment at the Rules Committee to extend important tax provisions, tax relief provisions, to help gulf coast residents rebuild after the 2005 hurricanes. It's disappointing yet again that the majority is bringing this bill to the floor under another closed rule, prohibiting amendments to be debated.

The economic downturn complicated gulf coast recovery and jeopardized the effectiveness of Katrina and Rita aid. Residents need more time to fully utilize existing disaster assistance programs before they expire.

Congress should extend the GO Zone low-income housing tax credit for an additional year. At risk, currently at risk, are nearly 70 affordable rental housing projects encompassing over 6,000 units along the gulf coast. These projects take time, and this important extension will give investors and developers the confidence to move forward on these very important projects.

Congress should also make disaster-related low-income housing tax credits eligible for the new exchange grant program. This will provide immediate relief to disaster-impacted States as the market for housing tax credits rebounds. The bill also cuts short tax incentives for businesses to invest in the hardest-hit areas along the gulf coast through the special depreciation rules that promote economic development.

My amendment would extend the GO Zone 50 percent first-year bonus depreciation through 2010, bringing new capital to communities struggling to recover. They were hit twice, I mean, hit basically by hurricanes and now the economic downturn.

Look, gulf coast residents are resilient. They are working hard to rebuild, and Congress shouldn't pull the plug on existing disaster programs just as they are starting to make a difference.

What folks need is certainty. Businesses need certainty, and what they are seeing is nothing but uncertainty coming out of Washington. This is not the way to stimulate a recovery, whether it's from hurricanes or from this economic disaster we are facing. We need certainty.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my friend from Louisiana, an extraordinarily thoughtful member of this House, Mr. CAO.

Mr. CAO. I want to thank the gentleman from Florida for yielding, and I just want to thank him personally for his continued commitment and compassion for the people of the gulf coast.

Mr. Speaker, yesterday I offered a bipartisan amendment to the Tax Extenders Act of 2009 for myself and my colleague, CHARLIE MELANCON. This amendment would have extended the place-in-service deadline for low-income housing tax credits under GO Zone for 2 years. If included, it would have freed up more than a billion dollars in delayed housing projects and supported thousands of jobs in the gulf coast and would have contributed greatly to the sustained redevelopment of the hurricane-impacted areas.

The amendment had bipartisan support in both Chambers of Congress. Representatives from HUD, the Obama administration, housing groups and private companies called and wrote letters in support of this amendment. Yet even with this level of support, the Rules Committee voted along party lines not to allow it in the bill.

I cannot say how disappointed I am that this happened. It is disappointing that the committee would choose to act in a partisan fashion rather than with the best interests of the people of the gulf coast in mind.

I have spoken before about how Congress is at its best and serves the people the best when we put partisanship aside and attend to the people's business. It is part of our job description as Representatives to represent their issues and concerns to the best of our abilities.

□ 1100

When we conform to party politics, we fail to make the right decisions for the American people. While it is not unusual to mix policy and politics in our line of work, there are some issues which ought not to be partisan. The development of affordable housing for hurricane victims is one of them. Among the projects placed in jeopardy by this deadline is the Lafitte Housing Project in New Orleans. It is one of the city's oldest and was once made up of 896 units. This site was slated for redevelopment with the same number of units to allow any resident who wished to return the opportunity to do so. Additionally, the site would have had parks, support centers, and homes for sale. Now it looks as though it will remain in limbo because of party politics.

I challenge my Democrat colleagues to look low-income families in the eyes and say that the decision that they made was best for hardworking families.

Low-income families along the gulf coast trying to survive the ravages of Hurricanes Katrina and Rita do not care about party politics. The only thing that they care about is: Will I have affordable housing to shelter my children from the cold? We have to get beyond party politics to address the needs of American families. And I hope that we can correct the language in the tax extenders bill in order to address those who are in need along the gulf coast.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we believe, as the overwhelming majority of Americans do, that Members of Congress should have the ability to read bills before they vote on them. It shouldn't be an issue, frankly, because the majority and the distinguished Speaker during the campaign, the political campaign, said that they would have the most open Congress in history and that Members would have at least, should have at least, 24 hours to examine bills before those bills are considered on the floor.

But that hasn't been the case. I remember in the Rules Committee one early morning at 3 a.m. we were handed a 900-page amendment, called the manager's amendment, to energy legislation, the so-called cap-and-trade legislation that we considered a few hours later, just a few hours later here on the floor of the House. No one had any opportunity to vote on that legislation. And then we had similar situations with very significant and extensive pieces of legislation. So the American people were, I think, rightfully so, outraged when they saw those examples of very important and extensive pieces of legislation being brought to the floor without Members of Congress being able to even read them. And they should really be posted online so that not only Members of Congress but the American people in general could read them.

That's why legislation has been filed by a bipartisan group of 182 Members that have signed right there, right at that desk in front of you, Mr. Speaker, a discharge petition, it's called. They go up there and they sign. I signed. 182 Members have signed the discharge petition to bring to the floor legislation saying that Members should have 3 days, that there should be 72 hours, once it's filed, before legislation is brought to a vote on the floor.

So that's why I am asking for a ''no'' vote on the previous question, so that we can consider that legislation that 182 Members have gone to the desk there and signed, bipartisan legislation by Congressmen BAIRD and CULBERSON. It would not interrupt this legislation that is being brought to the floor at this time, the tax extenders legislation, because if the motion passes, the motion I'm making, it provides for separate consideration of the Baird-Culberson bill within 3 days. So we could vote on the tax extender bill and then, once we have done that, consider that legislation requiring the 72-hour timeframe for Members to be able to study legislation and, quite frankly, for the American people to read legislation before it's voted on.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Thanking my friend Mr. ARCURI for his courtesy, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from the Rules Committee and friend from the State of Florida for his able management of this rule.

Mr. Speaker, in closing, I would like to point out that the underlying legislation will extend a number of expiring tax relief that individuals, businesses, and charitable organizations depend on to improve the quality of life and strengthen our community and our economy. These provisions are relied upon by families and individuals struggling with rising costs of everyday items, including food, gas, and health care. They encourage companies to hire more workers and invest in new technologies.

As our country is beginning to turn the corner, the naysayers continue to oppose any necessary substantial change. As if that is not enough, they continue to offer no meaningful alternatives, only more of the same policies of incurring more debt, passing it on to our children, and saying ''no'' to any responsible policy offered by the majority. It should not be the role of the loyal opposition to oppose every bill the majority offers. That is the reason partisan divide is so wide in this country today.

This bill, H.R. 4213, is a good bill. It is good for Democrats. It is good for Republicans. It is good for all Americans. To say we should not pay for it flies in the face of everything Democrats and Republicans have been saying

for months, that we cannot endlessly borrow and increase the debt but must restore fiscal responsibility.

Just a short time ago, I heard a colleague of mine on the other side of the aisle giving a 1-minute speech, saying that we must stop the runaway spending and the record deficits. That's exactly what this bill does. It makes us accountable and pays for the tax extenders. H.R. 4213 strikes the necessary balance between continuing the tax incentives to help families and businesses without increasing the deficit.

I don't think the importance of this fiscal responsibility can be overstated. We all know that these are challenging times, but we cannot endlessly borrow our way out of the situation. And there are only two ways to do the tax extenders: either to borrow and pass it on to our children or to have responsible ways of paying for it. And that's exactly what this bill does, responsibly pays for these very important tax extenders.

For years, borrow-and-spend policies of the previous administration have saddled our children's future with $9 trillion of foreign-owned national debt, all incurred during relative times of economic prosperity. The debt translates into daily interest payments of $1 billion.

These tax extenders are paid for. I repeat, they are paid for. H.R. 4213 represents the dedication to commonsense PAYGO principles that we in Congress should have to balance our books even in these tough economic times just as our constituents do. This legislation does exactly that.

I urge my colleagues to vote ''yes'' on the previous question and the rule because the American people are counting on us to extend these vital tax provisions in order to continue to improve our economy.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 955 OFFERED BY MR. DIAZ-BALART

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

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the house of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

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

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

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

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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 question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 12 o'clock and 45 minutes p.m.).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings now will resume on questions previously postponed as follows:

ordering the previous question on House Resolution 955, by the yeas and nays;

adopting House Resolution 955, if ordered; and

suspending the rules and passing H.R. 3951, by the yeas and nays.

The first vote will be a 15-minute vote. Succeeding votes will be 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4213, TAX EXTENDERS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 955, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 239, nays 182, not voting 13, as follows: