

which we unveiled the newly ensconced and protected charters of freedom, the Constitution of the United States preceded by the Declaration of Independence and followed closely by the Bill of Rights, those three extraordinary documents which stand as probably the most powerful statements of a free people and of liberty and justice and a government of laws and not of men. They will be preserved from the elements as they have been preserved from those who would undermine their principles and their reality.

I want to congratulate the leader for his comments today at that ceremony.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I know I speak on behalf of my colleague from Texas when I say we both appreciate that the gentleman from Maryland (Mr. HOYER) welcomed us into the Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair reminds Members it is inappropriate for Members of the House to characterize the actions of the Senate in their remarks.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week, the week of September 22, to grant a rule which could limit the amendment process for floor consideration of H.R. 2557, the Water Resources Development Act of 2003. The Committee on Transportation and Infrastructure ordered the bill reported on July 23, 2003, and filed its report with the House on September 5, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room 312 here in the Capitol by 1 p.m. by Tuesday, September 23. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Mr. Speaker, Members are reminded that earlier in the year the Committee on Transportation and Infrastructure set forth a specific process regarding the submission of projects for inclusion in the Water Resources Development Act. The Committee on Rules does not intend to accord priority to amendments that have not gone through the aforementioned process.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also

advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 367

Mr. WALSH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 367.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. AKIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. RYAN of Ohio. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. RYAN of Ohio moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. RYAN of Ohio (during the reading). Mr. Speaker, I ask unanimous

consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Ohio (Mr. RYAN) and a member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Today I am offering a motion to instruct conferees on the child tax credit. I thank all Members of Congress, especially the gentlewoman from Connecticut (Ms. DELAURO), for initially offering her leadership on this motion.

Mr. Speaker, the tax bill that was passed by Congress neglected 12 million children in America's low-income working families by cutting them out of the child tax credit plan.

My motion to instruct does a few things. It instructs the conferees to agree to the Senate language that provides for tax credit checks to be mailed immediately to low-income families. It also provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere; and the conferees could easily accomplish these changes and bring up a final bill within 2 days which is what the motion calls for.

In Ohio, the House Committee on Government Reform and Oversight states that over 25,000 working families were cut out of this provision. These are families who work hard. They do pay taxes. Unlike what many Members have said during the debate in the last few months, these individuals may not pay income tax, but they pay property tax, sales tax, they pay user fees, they pay tolls to get on the roads; and so they do contribute to the economy. They do pay taxes.

I was having an interesting conversation with a Republican friend who was listening to this debate happen because this is not the first time we have had this debate in the Chamber, and he said they do not pay taxes. I said they do pay taxes. They pay sales tax and property tax. He said give them a rebate on their property tax. My question to him is what is the difference?

Mr. Speaker, these people need help, and we have not done enough for them in this Chamber. We have an opportunity with this bill to make and have real impact on low-income families.

One last example that this bill, this motion, would help those military families that we talk so much about. One example that we have, an E-5 or E-6 sergeant, 6 years of service, two children, making \$29,000 a year. If he does not serve in combat, both of his children qualify for the credit. They get the thousand-dollar credit. If he is in combat for 6 months, his or her credit drops to \$450. I do not think there is a

person in this Chamber who would say we are doing enough to help our military personnel in combat.

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

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

Mr. Speaker, as was indicated earlier in the debate, or the colloquy, between the majority leader and the minority whip, this House on June 12 passed a tax relief measure which provided for the extension of the child tax credit. Let us look at the current law and see what we would be extending if that particular measure were to pass the other body and go on to the President for his signature.

Who is getting that child tax credit under current law: any family that pays income tax as long as their income does not exceed certain levels, and even families who do not pay income taxes receive the child tax credit so long as they earn at least \$10,500. These families receive a check from the government equal to 10 percent of their income over \$10,500.

Military families serving overseas also get the child tax credit subject to the same rules. So-called wealthy families do not get the child tax credit. The child credit is reduced and eventually eliminated for single parents with incomes over \$75,000 and for married couples with incomes over \$110,000.

Mr. Speaker, this House has acted, and on June 12 of this year passed a bill which calls for the extension of the child tax credit through 2010. It does other things as well. Along with passing the extension of the child tax credit, we eliminated the marriage penalty in the child credit, celebrated the increase in the refundable child credit, provided tax relief and enhanced tax fairness for members of the Armed Forces. We suspended in that same piece of legislation the tax exempt status of designated terrorist organizations, and provided tax relief for astronauts who die on space missions.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. RYAN) that the call for action belongs and should be focused and aimed to the other side of this building. They are in the chairman's seat of the child tax credit conference, and it is they who should act.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I know of no issue that most clearly shows the differences between the Republican and the Democratic parties than does this issue.

President Bush came to Ohio on Labor Day. He stood and he talked about the child tax credit. It was reported in the paper that he said folks here in Ohio can use this \$400 per child tax credit to buy clothing for their children, to buy school supplies. What the President did not say to the citizens of Ohio is that the Republican

Party is excluding 500,000 children in Ohio, children from low-income families, children from families who are most in need of help, and yet they apparently do not count. We are told that they should not get this benefit because their parents do not pay income taxes.

□ 1600

Well, they pay payroll taxes. They pay property taxes. They pay all sorts of other kinds of taxes. Why is it that my Republican colleague focus only on the income tax? Do they not know that a dollar being given for the payroll tax is just as difficult for that poor family to pay as a dollar on an income tax?

Mr. Speaker, 500,000 children in the State of Ohio. Now, people need to be very clear. These are children whose moms and dads work. Sometimes they may work two or more jobs. They just simply do not make enough to have to pay income tax. Think about that. If you are a resident of Ohio and you make \$60,000 a year and have two children, you get \$800, \$400 per child. But if you are a family that lives next door to the \$60,000 family and you only make \$25,000 and you have got two children, they get nothing. They get zero under this plan. It does not make sense. I think it is cruel hearted. I think it is hard hearted to react to the children in this manner.

Mr. Speaker, I call upon the President to exert his influence so that the next time he comes back to Ohio he can say he cared about all of Ohio's children, even the poor kids.

I think this is a matter of values. And for those of us in this Chamber who support family values, I would like to quote from the New Testament. Jesus said, "As often as you have done it unto the least of these, you have done it unto me."

What we are talking about here today are the poorest kids. We are talking about the poorest kids, the kids whose moms and dads work but who struggle. We are talking about the kids who need clothing for school, who need school supplies, who need all kinds of other essentials that their moms and dads may not be able to provide to them unless we do the right thing in this Chamber and provide this rebate, this tax credit for all the children.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself as such time as I may consume.

Mr. Speaker, I have a couple points that I would like to make in addition to thanking the gentleman from Ohio (Mr. STRICKLAND) for his comments and his leadership on this particular bill.

The child tax credit of which we are talking about adding on to, the additional funding that it would take only accounts for 1 percent of the final bill that we passed, 1 percent out of a \$350 billion bill. This would have been \$3.5 billion. And when you take a step back

and you look at the overall picture, you will see that this type of investment of only 1 percent of the entire bill would have much more value to the economy, would put more back per person that would receive the money than the money that we were giving in the same amount, actually much, much more, to the top 1 or 2 percent.

These people are actually going to go out and spend the money. They are going to go out to the store, as Mr. STRICKLAND stated, and they are going to spend it because they do not have a lot. But if you give \$93,000 back to someone who makes a million dollars, they are not going to buy anything new that they do not already have.

So I think it is important when we talk about this also to talk about the portion that is an economic stimulus part of this bill.

Mr. Speaker, I reserve the balance of my time and the right to close.

The SPEAKER pro tempore (Mr. LINDE). The gentleman has that right.

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

Mr. Speaker, again, I think this is the nineteenth time that we have been through this discussion on a non-binding motion to instruct conferees. And at this time, again, I would reiterate the need to focus the urging of action towards the other side of this Capitol that chair the conference committee on the child tax credit.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to say we will be asking for your help and your support to encourage the leaders in the United States Senate to also help us with this particular provision. I think it is a good piece of legislation. I think there are thousands and thousands and thousands of young kids throughout the United States of America today, Mr. Speaker, who this would benefit.

It would be a direct impact into our economy. We still need a boost. There are still not jobs being created. It is still a jobless recovery. And this is an opportunity for all the campaign speeches about being compassionate. I cannot think of a better opportunity for the President of the United States to use his power, for the leaders in this Congress to use their power, for the leaders in the other body to use their power to make sure that this motion passes and that we inject some more money back into the economy and start giving it to people who will go out and spend it.

I believe there is a real slant in the policies that are coming out of not only this Chamber, but the other Chamber, and also coming out of the administration.

One example that I would like to use, not necessarily affecting this particular piece of legislation, but one similar, the earned income tax credit. One, the audits of working poor in 2001

from the IRS increased by 48.6 percent. Those applying for the earned income tax credit had a 1 in 47 chance of getting audited. Those making more than \$100,000 a year had a 1 in 208 chance of getting audited. I think this is indicative and illustrates the point that the policies we are getting out of this Chamber and out of this Congress and from the President are clearly slanted towards the top 1, 2, 3, 4, 5 percent and against those people who are working poor or living in poverty.

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

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. RYAN).

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

Mr. RYAN of Ohio. 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 and the order of the House of earlier today, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. STENHOLM. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. STENHOLM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes. The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, all of us in this body have an enormous responsibility to the American people as we put together a bill that will shape the lives of 40 million current Medicare recipients and the millions more that will be retiring in the near future. This bill will make changes that will have profound effects on all Medicare beneficiaries and particularly on the one in four who live in rural America. Rural beneficiaries have different health care needs and delivery systems than those living in urban areas and Congress has a responsibility to pass a Medicare prescription drug reform bill that is responsive to their needs.

The motion to instruct conferees that I am offering today will put the House on record in support of a conference report that addresses the unique challenges facing seniors and health care providers in rural areas as much as possible. The motion would instruct conferees to agree to the following:

Guaranteed prescription drug coverage through a Medicare fallback option in areas where private drug plans are not available.

The best provisions improving Medicare payments to health care providers in rural areas that were included in the Senate bill or the House bill.

Reject the cut in payments to hospitals in the House bill which will adversely affect hospitals in rural areas and undercut the benefits of the rural health care improvements.

Rural beneficiaries have consistently had less access to Medicare managed care plans. Since 2000, rural beneficiaries have been four times more likely than urban beneficiaries to lack a private plan option. This problem of low market penetration in rural areas by private insurance plans may be even more pronounced for a drug-only insurance plan. This motion would address this problem by calling on the conferees to accept a guaranteed fallback plan be offered through traditional Medicare that would be offered in areas where fewer than two private plans have entered to ensure that all seniors have access to this benefit.

The House bill does not include a fallback provision to ensure that seniors have prescription drug coverage in areas where private plans choose to not participate. Instead, the House bill allows the Secretary to pay the drug-only plans whatever it takes to entice them to offer plans. Because premiums for prescription drug coverage are based on what the plans are paid, plans that take the bribe to participate may have significantly higher premiums than those operating in more competitive areas. With one in four seniors residing in rural areas, it is extremely important that we not exclude rural seniors from having a prescription drug benefit, which is a very real risk if we do not provide a guaranteed fallback plan for seniors in areas where private plans are not available. To deny seniors in rural America the prescription