

quickly and put reliability legislation on the floors of the Congress and on the desk of the President to assure safety and security for the American people.

I would remind my Republican colleagues of the old legislative axiom that the perfect good is the enemy of the good. It may be a perfect good to wrestle around and wrangle around about a piece of legislation which will deal with every imaginable energy problem, which will evoke the support and the enthusiasm of every special interest in this town and in this country, but it is not the way to assure that we do the things which we can do quickly and well while we work upon the other more difficult and controversial questions.

I would point out we have not yet appointed conferees. The Senate does not yet have even the vaguest idea of what it is upon which they may agree. They had to send to conference a curious concoction of last year's energy bill with the simple statement that the chairman of the Senate conferees is going to write the bill as the matter is considered in conference, hardly an open and transparent and intelligent way in which we might legislate.

I would urge my colleagues, let us do that which we can do quickly and let us do that which will take us longer with more deliberate and careful and thoughtful effort which will lead us to a quicker and better solution to the problems we confront.

I urge the adoption of the motion to instruct conferees. It is consistent with our responsibilities. It is consistent with the public interest. It gives protection to the American people in a fashion on matters that greatly concern them about their safety, about the well-being of themselves and their families and about the well-being and the efficiency and the capability of the American economy to provide the things that are necessary for us all.

Let us deal with those things which can quickly be addressed, and let us then work more slowly in the conference on other matters. And if they can be moved as fast as my good friend, the chairman of the committee, says, then we will have something on the floor in the next couple of weeks. If not, then there is nothing lost because we will be able to wrangle around interminably on these matters as we have for so long.

Mr. MARKEY. Mr. Speaker, I rise in support of the motion to instruct that is being offered by the gentleman from Michigan (Mr. DINGELL).

Our constituents want to know what caused the August 14th blackout, and what we are going to do to prevent it from happening again.

Unfortunately, the testimony the Energy and Commerce Committee received from the Department of Energy and the Federal Energy Regulatory Commission yesterday, indicates that the Bush Administration remains pretty much in the dark about the causes of the blackout.

At the same time, the Bush Administration continues to press for the immediate adoption of an energy bill that contains language that would make sweeping deregulatory changes in electricity law and launch a wide-ranging assault on our environment in the name of increasing oil and gas production. The Administration is essentially saying that these radical proposals are needed to prevent the recurrence of an event whose causes they say remain unknown. But if we don't know what caused the blackout in the first place, how can we know whether the proposed cure is worse than the disease? That's like a doctor telling you he has no idea what caused you to black out, but he'd like to see you in the morning for brain surgery. When you hear that, you know it's time to get a second opinion.

And the gentleman from Michigan has very helpfully offered a second opinion. Instead of a full frontal electricity lobotomy, he proposes a more modest initial course of treatment. His motion essentially says that we should quickly reach agreement on the consensus reliability language, and put the rest of the electricity title on hold for a later day. This solution, if adopted by the conferees would allow this Congress to solve a very real problem that we already know exists—the fact that existing electric utility reliability standards are purely voluntary and unenforceable. We know this is a problem. It very well may have contributed to the August 14th blackout. We should deal with it quickly, and not hold its ultimate resolution hostage to a resolution of the very complex and contentious issues of PUHCA-repeal, Regional Transmission Organizations, Native Load protection, incentive ratemaking, renewable portfolio standards, and a whole host of other entirely unrelated energy issues that are in the House and Senate bills.

We should set aside all of these issues now, at the very least until we've heard back from the U.S.-Canada Task Force on the causes of the blackout. Instead, we should just pass a clean, stand alone reliability bill, and do it now. If we get further recommendations from the Task Force after it completes its work, we can decide if more legislation is needed.

But right now, we should, reject once and for all this ridiculous notion that drilling in the Arctic Wildlife Refuge is somehow needed to prevent future blackouts. Oil is for cars and trucks, not for air conditioners, refrigerators, ovens or light bulbs. Only about 3 percent of the oil our nation consumes is used for electricity.

What stopped working during the blackout? Our lights, our cooling, our refrigerators, our ovens.

Our cars and SUVs ran just fine.

It is ridiculous to use the blackout as an argument for drilling in the Arctic Refuge and other pristine public lands, and it exposes those who make the argument desperate for an outcome, driven by ideology, not facts.

The only relationship between the electricity blackout and gasoline is that several refineries shut down temporarily, which the oil industry used as an excuse to raise the price of gasoline to record-breaking levels nationwide over the Labor Day weekend.

I don't think that was justified, but at least the relationship is clear—electricity doesn't depend on reliable oil—oil depends on reliable electricity.

That is why we should stop searching in Alaska for solutions to the blackout. The prob-

lem is not in Alaska, it is in Ohio. The solutions won't be found above the Arctic Circle, but below Lake Erie.

Yesterday, Energy Secretary Abraham and FERC Chairman Pat Wood essentially told our Committee "we'll get back to you later" with some answers about what caused the blackout. So right now, we really don't have all the answers. We do know, however, that this \$7–10 billion dollar hit to the economy could happen again tomorrow. Before we enact comprehensive energy legislation, we should know what caused the blackout.

We can, as a first step, pass by consensus reliability language that is in both the House and Senate bills, and defer action on the broader issues of FERC oversight, PUHCA and other issues that are just too contentious to resolve quickly. After we've gotten some answers, we can then come back and consider whether we should do other things. But is we legislate right now, we are just firing a shot in the dark—a shot that could hit our constituents and our economy with very severe consequences.

I urge adoption of the Dingell motion to instruct.

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

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

There was no objection.

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

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

Mr. DINGELL. 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.

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

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

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

The Clerk read as follows:

Mr. COOPER 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. COOPER (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 Tennessee?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Tennessee (Mr. COOPER) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I yield myself such time as I may consume. Tonight we are about to have an hour of debate on whether, in fact, Republicans in the U.S. House of Representatives are the compassionate conservatives that they claim to be. Is there any compassion in their bones?

We are not debating whether the U.S. Senate is compassionate, because they have already voted by a bipartisan vote of 94 to 2 to do the right thing. We are not debating whether President Bush and the Republican White House is compassionate because they have already urged House Republicans to do the right thing and do it quickly. But it has been 93 days that House Democrats have been waiting, that the President has been waiting, and that Senate Republicans have been waiting; and still there is no action from the other side of the aisle.

What is the issue? The issue is the child tax credit. If you are going to be a compassionate conservative, if you are going to be compassionate at all, surely you will take care of the children in our society. Surely you will take care of the children whose parents are relatively poor, parents who earn between about 10 and \$20,000 a year. That is the issue at stake. That is what the American people have been waiting for for 93 days. The other side could take action. In fact, we could probably pass it tomorrow if they would finally act. But the Republican leader has been quoted as saying, it ain't going to happen. Other Republican leaders have been saying things to indicate what has in fact happened, that the con-

ference on this has not even bothered to meet. They have not even bothered to pretend that they care.

So that is what is at stake in this debate, and that is why we are bringing it to the attention of the American people.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

□ 2215

Mr. HOYER. Mr. Speaker, I thank the gentleman for his leadership on this important issue. I just came in a little bit late, but I heard his comments. Eighty-four days since the President of the United States, through his press secretary, said we ought to pass this legislation, 84 days that we have been fiddling while, figuratively speaking, those who would be entitled to this child tax credit, 6½ million families, 12 million children, have been burned while we fiddle around here in Washington. The majority is proud of the fact that it can move legislation when it wants to. They have demonstrated that ability. There is therefore no doubt, that the words of the President's press secretary 84 days ago saying that we ought to take care of these families, we ought to take care of these children, we ought to give this tax credit to those families who are the neediest families in America. This is not unique.

The gentleman from Tennessee (Mr. COOPER) brought an amendment to the floor dealing with the earned income tax credit, some of the lowest wage earners in America. And guess what? We are going to get them. That is what happened in the ITC amendment. Now, here with the child tax credit in the dead of night, the conferees, indeed the chairman of the Committee on Ways and Means, to be more specific, removed this provision from the conference report included by the Senate, which, Mr. Speaker, then resulted in the President's press secretary saying the President wants us to pass this legislation just as soon as possible. That was 11 or 12 weeks ago.

Mr. Speaker, it is unconscionable that we have not acted because in the interim we have talked about giving very large tax breaks to wealthy corporations and wealthy individuals.

Mr. Speaker, I am hopeful that this instruction will pass, but much more importantly than that, I am hopeful, as the gentleman from Tennessee (Mr. COOPER) has indicated, that the conference will meet, the conference will act.

I talked about 200,000 military families that are affected by this failure of the Republican majority to act. But let me say the military is being disadvantaged on many tax measures whether it deals with their \$6,000 that they get for a death benefit, \$3,000 of which is now taxable which we all want to exempt, 100 percent of us want to exempt that.

It lies languishing, it lies languishing, I tell my friend from Pennsylvania, for failure of the Committee on Ways and Means and the Committee on Finance to act. Moving costs for our military personnel, our National Guard, our Reserves when we have asked them to move, when they have to sell their home, moving expenses, capital gains consequences, it languishes, I tell my friend from Pennsylvania, distinguished member of the Committee on Ways and Means. It languishes because the majority has failed to act. How sad it is that 12 million children did not get the assistance that others got just so recently.

I thank the gentleman from Tennessee (Mr. COOPER) for his leadership in this effort. I thank him for yielding me this time. And I am hopeful that the House and the majority will finally act to give the relief that the President of the United States was so adamantly urging us to pass 84 days ago.

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

Mr. COOPER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the great State of Georgia (Ms. MAJETTE) who has been a real leader on these issues, in fact, on all issues having to do with protecting our Nation's children.

Ms. MAJETTE. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I rise today to speak in support of the gentleman from Tennessee's (Mr. COOPER) motion to instruct conferees on the child tax credit. Quite frankly, I cannot believe this continues to be an issue. We need to just do the right thing.

Back in May this House passed a tax cut bill, but those refunds were not for everyone. Americans who work for a living were denied refunds. The people who have the very least influence on this body did not get a tax cut. That is cold hearted. That is unfair, and that is just plain wrong. That bill gave no relief to those who need it the most right now, 6.5 million working families, families whose entire household income is between \$10,000 and \$26,000. Approximately 40,000 families in my district, Georgia's fourth district, did not get a refund check like millions of other Americans did. Some people received checks in July like Christmas in July, but there were 40,000 families in Georgia who got zapped by the Grinch factor. A couple of hundred bucks may not seem like a lot to some, but to a family living in poverty, it is much needed relief. That is money to buy winter coats for children. That is money to buy school supplies. That is money to pay for dentist bills.

Just yesterday the census released new figures showing that the number of families and children living below the poverty line rose by 1.3 million last year, 1.3 million more families than last year. In my home State of Georgia, those same poor families are preparing for the brunt of some harsh

budget cuts, some harsh State budget cuts and Federal proposals, cuts in Medicaid, cuts in child care services, cuts in education. And yet this House still refuses to include the people who are hurting the most. And let me tell the Members, these are hard-working folks, and they will be the ones who will bring our economy back. It is their sweat and their determination that fuels America's economic engine. It is their labor that makes our lives more comfortable and safer.

I do not rise to speak out on every single issue. It is my nature, as a former judge, to listen and to gather information and to try to make wise decisions. But I have heard and listened to enough, and my faith and my convictions have pulled me to my feet tonight because this issue is far too important to far too many people to let me rest. So I urge my colleagues who talk about compassionate conservatism to walk the walk and put their money where their mouth is. I urge the conferees to do the right thing, to extend the child tax credit to America's working families and our poorest children, for they are the ones who are struggling and hurting and getting hit from every direction right now. We cannot afford to play politics at their expense because they literally cannot afford it. We need to show the Nation and the world that we take care of our own, and we need to treat them the way we would want to be treated, with malice toward none and with charity for all.

So I support the Cooper motion to instruct the conferees on the child tax credit. I urge my colleagues to do the same.

Mr. COOPER. Mr. Speaker, I thank the gentlewoman from Georgia for her remarks. I appreciate her contribution to this debate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN) for his remarks.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman as well for his leadership on this issue.

This is a very tired issue for us. It has been 80 some days, and we have been talking for quite some time, and many of us who are new to this Chamber, as the previous speaker said, who have not been in politics all that long cannot figure out why we are just not doing the right thing. Because this is not a Democratic issue, and this is not a Republican issue. This is not a partisan issue. This is about helping 12 million kids.

And Labor Day, last Monday, I was fortunate enough to have the President of the United States in the State of Ohio. And as he took his motorcade through the gated communities of the suburbs of Richfield, Ohio and had the audacity to talk about compassion, the audacity to talk about working poor, the audacity to talk about helping kids, 500,000 children in the State of Ohio will not be eligible for this tax credit because this body has refused to take it up.

But I can guarantee that if this group of people, this 6½ million working families, 12 million children, if they had millions of dollars to donate to the Republican party, they would make it on the agenda like that. It is pay to play in Washington, D.C., and we have young children in this country, the wealthiest country in the world, who are not eligible for this, and the big excuse is they do not pay income tax. These families pay sales tax. These families pay property tax. And just because they are poor, we are not going to take care of them. And these are not poor people asking for a handout, as the gentleman from Tennessee makes that point very often. These are not people who are looking for a handout. These are people who go to work every day. And what happened to those values that if they work hard, they play by the rules, we are going to take care of them, we are going to make sure that this Government works on their behalf? Not under this administration. If they do not live in a gated community, if they do not make big money, if they do not donate to the Republican party, their agenda is not brought before this Congress.

The Republicans control the House. The Republicans control the Senate. There is a Republican family that lives in a house right up the street, and if they wanted to take care of this issue, they could. It is a matter of priority. And we are going to sit here, and we are going to stand at this until the wee hours of the morning until this happens, and there will be an election that comes up, and there will be families who should be eligible for this tax credit, who are not, that will be going to the polls very soon.

I think it is crazy when we live in a country where the IRS has a better chance at auditing someone who gets the earned income tax credit than they do for someone who makes \$1 million a year. I think that illustrates where we are today in our governmental process. This system is broke. It is a money game. And if they do not have the money that they are dipping into the campaign coffers, their agenda is not brought before this body.

I want to thank the gentleman again for yielding me this time. I also want to thank the gentleman from Texas for all his leadership on this issue. We are going to stand here, and we are going to keep talking until we are blue in the face because these people deserve it. And when our voices are not being heard, it is the voices of millions and millions of children who need our help.

Mr. COOPER. Mr. Speaker, I thank the gentleman from Ohio for his comments. The gentleman is the youngest Member of Congress, an honor I held about 20 years ago this day. We appreciate his eloquence on this important issue.

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

Mr. Speaker, it has been painful for me to sit here and listen to some of the

partisan rhetoric, which I think has trivialized a very serious issue. If this is about compassion, the House has already gone on record in a very compassionate way. The issue here, I would suggest to the gentleman from Tennessee, is really one of a more immediate nature, whether his party is going to continue to stand for maintaining a high level of taxation on working families. I am sad to say with this instruction to conferees, they are clearly going on record in favor of more taxes.

Mr. Speaker, accordingly, I rise in opposition to the motion to instruct the conferees. First, I want to set the record straight and commend the chairman of the Committee on Ways and Means and the Republican leadership for already taking swift and meaningful action on the expansion of the child tax credit in June.

My freshman colleague from Ohio may have overlooked the fact that we have already voted on this issue. Contrary to what the minority has been arguing here tonight, the House took clear action on this issue and moved specific legislation forward in order to maximize the number of families that benefit from the jobs and growth plan.

□ 2230

The motion to instruct before us actually takes several steps back from the policy that we already adopted in June. It reduces the tax benefits and it reduces the number of working families that would benefit accordingly.

The motion, for example, calls for the child credit to drop, to be reduced from \$1,000 to \$700 after the 2004 election. Now, I have to think that is a coincidence. But under their motion, millions of low- and middle-income families will receive a smaller child tax credit right after the elections.

The House-passed bill ensures that the child credit remains at the \$1,000 level throughout the decade. That is not only compassionate, it is good tax policy. This is a necessary and, in my view, reasonable element of the House-passed bill because it locks in the Federal commitment to this policy for future years.

If we truly support compassionately helping families with the costs of raising their children, then let us extend this policy beyond next year.

When debating the jobs and growth plan, I listened with interest to my colleagues on the other side howl that the child tax credit was set to expire in 2004. I was pleased to hear that they expressed such strong support for long-term tax relief. Now I am sorry to see the truth becomes clear. They are singing a very different tune.

Furthermore, Mr. Speaker, the motion to instruct does not eliminate the marriage penalty and the child credit until 2010. Even then it only does so for 1 year. Now you see the tax relief, now you do not.

Under the motion, millions of children will be denied the child credit

simply because their parents are married. The House-passed bill benefits middle-income families by eliminating the child credit immediately. That is compassion, Mr. Speaker.

I want to make one more thing very clear because this has been raised previously. The House-passed bill does not deny the child credit to military families. That is a matter clearly in the record. Military families, including those who are deployed abroad today, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill.

The motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. The House-passed bill provides more tax relief to military families because it includes \$806 million of military tax benefits. And that, in my view, is something we need to remain committed to in the House of Representatives.

These provisions have passed the House on numerous occasions and are awaiting action in the Senate. I believe our tax system imposes too high a burden, not only on our military families, but also working families in places like Erie, Pennsylvania. This imposes a real and substantial social cost. And at a time when we are in an economic slowdown, I think it clearly applies a very substantial economic cost.

The House-passed All American Tax Relief Act, which the other side has conveniently forgotten about, proposes a direct solution to the needs of families struggling with the burden of dependence by offering a comprehensive expansion of the child tax credit.

The motion to instruct wrecks the House-passed bill. It guts it and it should be defeated convincingly to show that we are still on record in support of relief for working families.

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

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

I would hope that the listeners could see through the rather emphatic rhetoric of my good friend from Pennsylvania, because may I remind him that the conference committee has not even bothered to meet on this issue. The Senate is controlled by Republicans, the House is controlled by Republicans, and they have not found time in the last 93 days to meet on this issue.

Let me read the quote from the White House Press Secretary: "The President wants to sign the Senate legislation," not the House legislation, the Senate legislation, "and hopes that Congress will get it to him quickly." This was on June 9 of this year. "The President believes that what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it."

So cut through all the rhetoric, cut through all the b.s. I have not seen a

Committee on Ways and Means majority member carrying this much heavy water since they tried to defend the police action taken by a member of that committee a month or so ago, only to have the chairman of the committee come to this floor to apologize for his action.

Do the right thing. Do what the White House has asked you to do. Do what the Senate has passed 94 to 2.

Are Republicans compassionate? Can they govern this country? Can they be decent to our own children? That is the issue we are debating tonight.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. BELL), a genuine leader on this issue.

Mr. BELL. Mr. Speaker, I thank the gentleman very much for yielding and for his leadership on this issue and again bringing the child tax credit before the American people.

I listened to the distinguished gentleman from Pennsylvania talk about how it pains him to listen to the debate. I certainly understand that, because oftentimes the truth does hurt. As I stand here it becomes so apparent, and all I can think about is that old saying that the more things change, the more things stay the same.

As many will recall, we were here night after night leading up to the recess period asking for a motion to instruct on the child tax credit. Some people may have forgotten during the recess period. Certainly our colleagues on the other side of the aisle would like for the American people to forget.

But we are not going to forget. We are not going to forget about those we represent. We are not going to forget about those who are in the greatest need of a tax credit.

All the Republicans would have to do, if they are sincere, is join with the other body and pass the bill that was passed out of the other body calling for an \$11 billion child tax credit.

But I would like to take people back to June, because that is how you really can identify the insincerity of the arguments on the other side, when we had the debate regarding the child tax credit and we really saw the hollowness of "compassionate conservatism" on display, on open display, as they talked about wanting so greatly a child tax credit, but knowing that the bill that they were putting forward calling for an \$80 billion child tax credit would have absolutely no chance, no chance, of being agreed to by the other body. They knew precisely what they were doing.

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. BELL. No, the gentleman has his own time, and I am not going to yield.

That is precisely what has taken place. And now 93 days have gone by, just as we predicted they would, and the conference committee has not met a single time to try to work out a child tax credit, despite, despite the contentions made by the other side of the

aisle that they so greatly wanted this child tax credit.

But, see, some of the real feelings from the other side of the aisle began to slip out after that day back in June, and the majority leader let forth his true feelings when he said, "It ain't going to happen," and he made it clear that he believes the working poor in this country do not deserve a tax credit because they do not pay income tax.

Well, they do pay sales tax, and they wake up every day and they go to work and they have needs, sometimes greater needs, than those long-suffering millionaires who the Republicans seem to always be able to find tax relief for, and we need to do something to take care of these families, and that is what this child tax credit is all about.

At no time was that more clear than during this district work period when I had a chance to go back home and sponsor a back-to-school fair for one of the low-income neighborhoods in my district. The greatest excitement that came during the course of that evening was when a local merchant had offered to give away backpacks, a backpack, something that has become a basic school supply for almost every school child in America. But the excitement was because many of these kids had not been able to afford them.

All I can think is how much that \$400 child tax credit would have meant to those families when they were preparing to send their kids back to school, how much it would have meant to them.

That is why it is important, and that is why we challenge the other side of the aisle, that is why we challenge the Republicans in this body night after night to stand behind your words that you stated back in June, stand behind what you claimed was a sincere, compassionate need to help working families in this country.

Go to the conference committee, agree with the other body, and let us bring forth a child tax credit that will put money in the hands of those who need it most in this country. Let us pass this motion to instruct and let us pass a child tax credit.

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

Mr. Speaker, I would like to engage the last speaker. Since he refused to yield for a question, perhaps if he could briefly answer a question on my time. I would yield myself such time as necessary, if he will answer that question.

The gentleman made in his statement the claim that he knew that the House bill, or we should have known that the House bill, which was far more generous than the instruction provides for as a policy, that provides far more tax relief to working families, that provides much more well-rounded tax policy than is contained in their motion to instruct or in the Senate version, he said that we were in some way culpable because in passing this bill already and acting on this issue already, we should know that the Senate is not going to act accordingly.

May I ask the gentleman, how does he know that as a freshman?

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Texas.

Mr. BELL. Mr. Speaker, this has absolutely nothing to do with being a freshman. Things become rather apparent around here quite quickly, and when the other body has engaged in a lengthy debate and has offered a child tax credit which has been paid for and has identified funding for that, it will not go above that mark, and has made it very clear they will not go above that mark, certainly if you come back and pass a child tax credit that calls for some \$69 billion and does not identify any funding for that bill, you know that the other body, common sense would tell you that the other body is not going to agree to it.

We stated that at the time, and what has played out is exactly what we said would play out. The conference committee has not met.

Mr. ENGLISH. Mr. Speaker, reclaiming my time, the gentleman is really not being responsive.

May I say, I believe the House has adopted the correct policy. What this motion would do is gut that policy and remove some of the tax relief that I believe is essential for working families, particularly those who are the object supposedly of compassion on the other side.

Mr. Speaker, I think the important thing to understand here is that the House has already acted. We have already laid out and I have laid out in my remarks exactly what the House position is. The gentlemen are advocating a policy that would roll back that tax policy, and all of the remarks so far have not been responsive to my arguments.

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

Mr. COOPER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. PALLONE), who has been not only a leader on this issue, but on so many issues in this House of Representatives. Where the gentleman gets his energy, I do not know, but I am proud of him.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for those comments. I appreciate it.

But I have to respond to the Republican gentleman from Pennsylvania, because as much as I respect him, and I do, he is clearly trying to rewrite history in terms of what happened here with this issue.

The bottom line is, and I think he has forgotten, the Republicans passed this huge tax cut that essentially ballooned the deficit. We are up to like a \$500 or \$600 billion deficit right now. And, lo and behold, all the checks were going to go out. The President got up and said we are going to send the checks out to all these people, a lot of them wealthy, some middle class. But

all of a sudden everybody realized that the working poor, those families that were making between \$10,500 and \$26,000 a year, that their children, their 12 million children, were not getting the increased child tax credit.

So, what happens? The President is embarrassed. The Senate is embarrassed. The other body immediately says, "Well, let's do something real fast. We will give these kids and their families the extra child credit, but we do not want to balloon the deficit because we know the deficit is way out of control because of the Republican tax cut policies. So we will just lengthen a customs excise tax to pay for it," I think it was.

□ 2245

They said, Look, we will do this but we will not increase the deficit and we are certainly not going to go for even more taxes to make the deficit even worse. Well, they passed it.

Now, we figure, okay, the House will take it up and pass it too because the President of the United States said, This is a good thing. I agree with what the Senate did. It will not cause more problems for the deficit. It will just help these poor families. But what does the House do? The House passes this other big bill that will balloon the deficit even more, give more money primarily to wealthy people, and now my colleague from Pennsylvania says, well, the House bill is better.

The bottom line is the House bill is never going to pass. We know that. Why will it not pass? Because it will increase the deficit. The Senate rightly will not pass the House bill because they know it is not just addressing the problem at hand which is the real problem that needs to be addressed to these poor children and these poor families, these working families, but rather just give more tax credits, more tax cuts to other people who do not need it and balloon the deficit even more.

Mr. Speaker, I like the gentleman. I respect my Republican colleague from Pennsylvania, but he knows darn well this House bill is going nowhere. That is why there is no conference. I do not know if they have appointed the conferees, but the conferees never met. Why? Because the House Republican leadership has no intention of passing this bill. If they had any intention of passing it, they would have had the conference.

I respect the gentleman a great deal, and I know he really believes that this House bill is the right way to go, and I respect him for that. But the gentleman knows it is never going to pass. The gentleman knows it will never go to conference. The gentleman knows it will never go to the President's desk. The President has said he wants to send a bill because he knows it is the only bill that will pass. So do not kid around here.

I understand the gentleman really earnestly believes in it, but procedurally it will not happen. If it was

going to happen, then the majority leader, the Speaker, would say, let us have a conference and let us try to work out the differences, try to persuade the Senate to pass something if they want. But they are not doing that. They are just ignoring it.

What we are saying as Democrats is we are not going to let you ignore it. A promise was made by the President. A promise was made by the Republican leadership that they will address this issue, and they are not doing it. And it is irresponsible because these poor families need the money. If they got the money, they would go out immediately and spend it on basic necessities: food, clothing, whatever. It would be an economic stimulus. But that is not even the issue. It is an issue of equity.

Why in the world should those poor families who are paying taxes, whether it is payroll, sales, property tax or whatever, why should they not get the money? They were getting the original tax credit. Why should they not get the increase like everybody else? Why should they not get the check in the mail? I got the check in the mail. I think it was \$1,200 because I have three kids.

Now, I do not really need it. I would rather see that it was going to poor families, to working families that have low income. It is just not right. It shows dramatically that the Republicans do not care. They are not compassionate conservatives. They may be conservatives, but they are not compassionate at all.

I respect the gentleman a great deal, my colleague from Pennsylvania, but do not kid us and say this House bill is going anywhere. It is going nowhere. That is why we are not having the conference. The leadership is not taking it up. They told us it was dead, but we are not going to let them get away with it.

Mr. ENGLISH. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. CARTER). The gentleman from Pennsylvania (Mr. ENGLISH) has 21 minutes remaining. The gentleman from Tennessee (Mr. COOPER) has 4 minutes remaining.

Mr. ENGLISH. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH), one of my most distinguished colleagues.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

I will do a Special Order tonight on Social Security, that we need to deal with Social Security. And maybe it should be made clear to everybody what the motion to instruct does is in effect saying that those individuals that do not pay income tax should still have the child tax credit. I wonder if there might not be another solution.

In my Social Security bill that I am introducing next week, I say for those private investment accounts that are safe investments, and we will not get into the debate on whether that is advisable or not, but what I do is for

those individuals making less than \$34,000, I add money to their personal retirement fund that they own to help give them a chance to accrue increased benefits that is going to give them maybe even a better income and retirement than they had in their working years.

So maybe instead of suggesting we should have a child tax credit relief for those individuals that do not pay any income tax, maybe we should be talking about some relief for those low-income individuals paying into Social Security. Because after all, 75 percent of Americans working now pay more in the Social Security tax, the FICA tax, the withholding tax than they do in the income tax. So I think rather than confusing the issue saying let us give an additional, you might call it, some people would dislike having it called a welfare payment, but if it is for individuals as an income tax rebate for individuals that do not pay any income tax, then it could be conceived that way. So I wonder if maybe it is not a more fair and reasonable debate for those 75 percent of Americans who pay more in the FICA tax than they do in the income tax to talk about reducing their FICA tax and still giving them some kind of credit for retirement.

So I oppose the motion to recommit because I think it confuses the issue.

Mr. COOPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DAVIS), an eloquent speaker, a colleague and friend of mine who, in fact, represents the congressional district I used to represent.

Mr. DAVIS of Tennessee. Mr. Speaker, child tax credit. What is it? It is not a refund because you paid income tax. That is a misnomer we are talking about.

This bill passed in the House and was excluded, there were certain numbers of people excluded as a result of tax cuts that were passed. And this body, Members of this Chamber, the majority side decided that we ought to cut folks out who make between 12 and \$25,000 a year. We are not talking about something new. This has already passed for everyone else except for those who earn between 12 and \$25,000 a year. You excluded those individuals. You said if you have children and you are working, it does not matter.

I walked this past Monday in a Labor Day parade; and as I was walking down in Whitwell, Tennessee, the gentleman knows what I am talking about, as I walked down that Labor Day parade route, probably 5 or 6,000 people on the sides of the road, somebody came out and hollered at me, Tell the President, and I will not repeat what she said, what he can do with his tax cut.

I think we can redeem ourselves. Mr. President, what I am calling on you tonight to do is just what you did to the Senate. I talked to the Republican-controlled Senate and said pass a child tax credit that includes those folks who earn between 12 and \$25,000 a year.

They did. He said we have left them out when we passed the income tax proposal. He called the House. I am sure he called the majority leader or maybe the Speaker and said, Pass the bill because those folks deserve it. He said he was a compassionate conservative. I believe him.

Let us redeem ourselves to this lady who is saying, you left me out. I work every day. I am a single mom and you left me out, Mr. President. Do not do that to us, Mr. President. We are not talking about whether they pay income tax or not. We are not talking about giving a tax refund because they paid in. We are talking about stimulating the economy and giving someone \$400 per child who works every day and pays the gasoline tax when they drive to that factory where they work or the shopping center where they work selling hamburgers.

So do not tell me they have not earned this. They have. And it is a shame that this House has not done what the President asked them to do. Mr. President, let us redeem ourselves with those folks who work every day harder than any of us and earn between \$12,000 and \$25,000 a year. It is time that America stood up for what is right, Republicans and Democrats. I am tired of it.

Mr. ENGLISH. Mr. Speaker, I have one speaker remaining, and I believe the gentleman has the right to close.

Mr. COOPER. Mr. Speaker, I have one speaker remaining in addition to myself. How much time remains on my side?

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. COOPER) has 1½ minutes remaining.

Mr. COOPER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me time.

There is only one point that I want to make and to suggest that what we are doing here, our inertia and inaction is a crime. It is a crime on families that clearly deserve the equity of a child tax credit just like any other working family.

I leave this floor with this thought I hope will be lasting, and I thank the distinguished gentleman from Tennessee (Mr. COOPER). Our military hospitals across the Nation and around the world are teeming with the wounded from Iraq and Afghanistan, teeming. And because of that, they leave or they have families back home who today cannot receive a tax credit because this body will not act. The question for the Republicans is whether or not they will pay the appropriate tribute to their sacrifice and pass the earned income tax credit now, the one passed by the Senate, now.

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

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

Mr. Speaker, as I have listened to the debate I am afraid that the speakers on the other side from over and over again overlooked some basic points.

First, they talk as if the House had not acted, but the House in timely fashion has acted and has passed a bill to extend the child tax credit to these families. Second of all, we have done what the President asked for and more. And we are now in a position to move forward I think and make a compelling argument to the Senate at a time when the economy is slow that they should be considering, in fact, more relief. And what is more, one of things that I pointed out in my remarks and none of the speakers chose to address on the other side, was the fact that after all, this motion to recommit would effectively cut back on the tax benefits that the House has already chosen to extend. And to put that into context and allow people to judge the relative compassion, to use the other side's rhetoric, let me just suggest the following examples:

Under our bill we would extend the \$1,000 child credit immediately and for good. But under their proposal in the year 2005, that \$1,000 child tax credit would drop down to \$700. That is a tax increase on working families after the election. And that is a fact that the other side has not chosen to engage on. That is a very significant tax increase for working families. When you consider that in Erie, Pennsylvania, a cop with three dependents would see his taxes go up or her taxes go up \$900 dollars in the year 2005 under their proposal relative to ours. Two young teachers with two very young dependent children would see their taxes go up \$600 in the year 2005.

I know people in these circumstances. I know people in my neighborhood who have had to face this tax burden and are facing exactly those circumstances trying to raise their kids with limited resources. What this motion to recommit does is force a tax increase on them after the 2004 election. I think that is bad social policy and it is bad economic policy. And I am immensely proud that this House has already gone on record in favor of addressing this issue, has done so eloquently. And I hope tomorrow when we have an opportunity to vote finally on this recommittal motion that the House will clearly go on record opposing this motion to recommit.

I thank the gentleman for his eloquence tonight. It has been a great debate.

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

□ 2300

Mr. COOPER. Mr. Speaker, I yield myself the remainder of my time.

As I began the debate, are House Republicans compassionate? Unwittingly they have proven for the 93rd day they are not, because they will not even agree with their President or with the Republican majority in the Senate to

govern, to do the right thing for our Nation's children.

I would urge this House to vote yes on the motion to instruct. It is a vote on compassion. It is a vote on whether we care, and this is the chance to prove it.

For the second time tonight, the Republican majority in the House has proved they do not have any compassion. First we debated the earned income tax credit, now this one. Vote yes on this motion to instruct.

The SPEAKER pro tempore (Mr. CARTER). The gentleman's time has expired.

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 Tennessee (Mr. COOPER).

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

Mr. COOPER. 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.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from NiCole Dolski, Congressional Aide of the Honorable ELTON GALLEGLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ELTON GALLEGLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Paula Sheil, District Director of the Honorable ELTON GALLEGLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules

of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Tina Cobb, Congressional Aide of the Honorable ELTON GALLEGLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Terry Hiser, Congressional Aide of the Honorable ELTON GALLEGLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

COMMUNICATION FROM CHIEF OF STAFF OF HON. PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Karen M. Feather, Chief of Staff of the Honorable PAUL E. KANJORSKI, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas of Northampton County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN M. FEATHER,
Chief of Staff.

COMMUNICATION FROM THE HON. PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAUL E. KANJORSKI, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents in a civil action in which I am not a party, issued by the Court of Common Pleas of Northampton County, Pennsylvania.

I will make the determinations required by Rule VIII.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

COMMUNICATION FROM ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Office of Human Resources, Office of the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, August 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator,
Office of Human Resources.