

Tierney	Viscolsky	Wexler
Towns	Waters	Woolsey
Turner (TX)	Watson	Wu
Udall (NM)	Watt	
Van Hollen	Weiner	

NOT VOTING—122

Abercrombie	Everett	Ortiz
Aderholt	Fattah	Osborne
Allen	Ferguson	Otter
Baca	Fletcher	Owens
Barton (TX)	Gallegly	Oxley
Berkley	Gephardt	Pascrell
Berman	Gonzalez	Paul
Bilirakis	Gordon	Pence
Bishop (NY)	Granger	Peterson (PA)
Boehlert	Green (TX)	Pitts
Boehner	Gutierrez	Price (NC)
Bonilla	Harman	Quinn
Boucher	Hensarling	Radanovich
Burgess	Hinchee	Ramstad
Burr	Hinojosa	Reynolds
Burton (IN)	Hoekstra	Rodriguez
Buyer	Holden	Ros-Lehtinen
Camp	Issa	Rothman
Capps	Istook	Sabo
Capuano	Janklow	Sandlin
Carter	Jefferson	Saxton
Case	Jenkins	Shuster
Costello	Johnson, Sam	Skelton
Cox	Jones (NC)	Slaughter
Cubin	Kaptur	Smith (MI)
Davis (FL)	Kilpatrick	Smith (TX)
Davis (IL)	Kind	Smith (WA)
Davis (TN)	Lampson	Snyder
Deal (GA)	Linder	Solis
DeFazio	Lipinski	Stenholm
DeGette	McDermott	Stupak
Delahunt	McGovern	Tancredo
DeLay	McHugh	Taylor (NC)
Dingell	McNulty	Thornberry
Dooley (CA)	Meehan	Toomey
Doyle	Mica	Udall (CO)
Dreier	Millender-	Velazquez
Duncan	McDonald	Walsh
Edwards	Miller (MI)	Wamp
Emanuel	Moran (KS)	Waxman
Etheridge	Nethercutt	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

□ 1600

Ms. McCARTHY of Missouri and Mr. PAYNE changed their vote from “aye” to “no.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall No. 397. Had I been present, I would have voted “aye”.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 397 on the motion to table H. Res. 324, I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. HINOJOSA. Mr. Speaker, I regret that I had an event in my congressional district. Had I been present, I would have voted “no” on rollcall No. 397.

Mr. EMANUEL. Mr. Speaker, I was unavoidably detained on Friday, July 18, 2003, and missed rollcall No. 397. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Ms. KILPATRICK. I was unable to cast a vote on the following rollcall votes, Nos. 396 and 397. I was forced to return to my congressional district on official business after rollcall

vote No. 395. Had I been in attendance, I would have voted “yes” on rollcall vote No. 396 and “no” on No. 397.

REPORT ON HOUSE RESOLUTION 288, REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. KIRK, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 108-220) on the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interest of the United States, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I would be glad to yield for the purpose of inquiring of the majority regarding the schedule for the week to come.

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

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding.

The House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business, and will consider several measures under suspension of the rules. A final list of those measures will be sent to Members’ offices by the end of the day. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday, we plan to consider the fiscal year 2004 Foreign Operations Appropriations Act. Next week we also expect to consider H.R. 2210, which is the School Readiness Act; H.R. 2738 and H.R. 2739, which is the U.S.-Chile and the U.S.-Singapore Free Trade Agreement Implementation Acts; the fiscal year 2004 Commerce, Justice, State, Judiciary and Related Agencies Appropriations Act; H.R. 2427, which is the Pharmaceutical Market Access Act; and H.R. 2765, the District of Columbia Appropriations Act.

In addition to these bills, we also may consider the fiscal year 2004 VA-HUD Appropriations Act.

Finally, I would like to note that we are expecting a busy week leading into this August recess. We are likely to work late some nights, including Fri-

day evening, as we work to resolve these important pieces of legislation.

I thank the gentleman for yielding and would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I understand the School Readiness Act or the Head Start Reauthorization bill will be on the floor. Let me ask if you expect to have an open rule on that bill? Specifically, while you are getting information, we want to be assured hopefully that we will be allowed to offer such amendments as we deem to be appropriate and that we will be allowed to have a substitute for the majority’s bill.

Mr. PORTMAN. Mr. Speaker, if the gentleman would continue to yield, I do not know if a decision has been made on that yet. Apparently, there are over a dozen amendments, and the Committee on Rules has not made a decision yet with regard to the substitute or the rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman, and I would urge the gentleman, and I know he may not have control over this, but urge him to urge his leadership, of which he is a member, as well as the Committee on Rules, to give us an open rule so that this bill, which is an extraordinarily important bill to our country, be fully debated and the alternatives that Members would like to offer can be considered. I would hope that he can work in that vein.

The Medicare prescription drug legislation, when does the gentleman expect the conferees will have a substantive meeting to seriously start resolving their differences, and might we see a conference report prior to the August recess?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, our intent was to a conference report before this House before the August recess. It is a very complicated bill, a very important issue, and perhaps the most important one that Congress will tackle this year.

The conferees have met, and the staff is working. It looks as though it would be difficult to have legislation before us before the August recess. We do not want to rush this important bill or set arbitrary deadlines, but the conferees will continue to work and the staff will continue to work hard to reach agreement on as many issues as possible before the August recess.

Mr. HOYER. Mr. Speaker, we think taking the time to do this right is better than doing it immediately or quickly. It is, obviously, of great importance to our seniors but as well to our families in America. We appreciate the fact that it is going to be given some time. We hope that there will be full participation in that conference.

On the child tax credit, and there was discussion about this on the floor just a few days ago. We are very concerned about the fact that checks will be going to people on July 25. The individuals who were included in the Senate

bill but were dropped in conference will not be receiving a check. That is largely because we have yet to pass a bill. It is now almost 37 days since we appointed conferees, and the checks for those who will get the credit go out next Friday. What is the status of that piece of legislation?

Mr. PORTMAN. Mr. Speaker, we did have a good debate on the floor the last night, the night before that, and I understand we may have another this afternoon. Some of the points made in those debates would reflect some of the difficulties of coming together with regard to this conference.

The House bill, we believe, is more appropriate because it covers more families and more children, and we think it is fairer than the Senate bill. The Senate has a different point of view. We are still working out those differences. I cannot tell the gentleman when the conference will resolve those differences, but, as with Medicare, we are certainly hoping for a resolution as soon as possible, perhaps before the recess, but it is certainly not guaranteed.

Mr. HOYER. Mr. Speaker, I would say to my friend, I know the differences that the chairman pointed to and you have pointed to in terms of making this either permanent or at least 10 years in authorization. I do not, frankly, think there would be opposition to making this permanent on our side. However, we are concerned that in the effort to make it permanent we will fail to make it at least temporary, which we could then follow up by making it permanent. I appreciate the gentleman's comments.

Drug reimportation is an issue. Which day does the gentleman expect to have the drug reimportation bill on the floor? Do you know when it will be on the floor?

Mr. PORTMAN. Mr. Speaker, it would appear because of the appropriations schedule we are going to have to play that by ear. We expect to bring the drug reimportation legislation to the floor next week, probably late next week, given the appropriations schedule. We are hoping to have as many as four appropriations bills on the floor next week, and so the timing of the drug reimportation bill will depend on the progress we make in the first few days in regard to the appropriations bills.

Mr. HOYER. Mr. Speaker, lastly, the gentleman indicated that we may be meeting Friday night. Is the gentleman pretty confident that our Members need to make definite plans to be here on Friday, or is there an expectation that we could get our work done on Thursday? Is Friday a contingency or is the majority sure that we are going to be meeting on Friday?

Mr. PORTMAN. Mr. Speaker, it looks now as though it would be very difficult to avoid a Friday session. Looking at the legislation laid out, even if we are in late, it looks like Friday is more likely. It is likely that we will be here, and they should make travel plans accordingly.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

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

Mr. VAN HOLLEN. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. VAN HOLLEN 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 benefit 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.

□ 1615

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from New York (Mr. HOUGHTON) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Speaker, this motion instructs the House conferees to adopt the child tax credit bill that was passed by the Senate more than a month ago, a bill that the President said he is eager to have on his desk and to sign. This motion before the House is identical to the motion passed by this House June 12, a motion offered by the gentleman from Connecticut (Ms. DELAURO) at the time. It is 36 days later, more than a month. Yet we have seen no action. The time has come for the House Republicans to stop playing

politics with the child tax credit. The people who are going to suffer are the 12 million children from 6.5 million low-income working families, families who earn an annual income of between \$10,500 and \$26,600 a year, families out there working very hard day in and day out to make ends meet.

What happened? How did they get cut out? Let us just go back a little over a month just to review a little history here. During the recent conference on the tax bill, that was the tax bill passed out of this House, \$350 billion-plus, a package that disproportionately benefits the very wealthiest in our country, during the House-Senate conference on that tax bill, a provision was removed. It was a provision that was originally offered by a Democratic Senator in the United States Senate. It was a provision for basic fairness and basic decency. Indeed, it was one of the only provisions in that tax cut bill that benefits low-income, working families.

While that bill accelerated tax cuts that had been previously passed by this Congress, while that bill accelerated the cut in the tax rates for the very wealthiest Americans, and while we accelerated the child tax credit for millions of other Americans, the Republican conferees on the House and the Senate side decided to remove that one provision in the bill that helped those low-income working families, that provided a child tax credit to those families with under \$26,000 in income.

It was a shameful moment. But at least the Senate recognized the problem and Democrats and Republicans on the Senate side passed a bill very quickly to fix that particular problem, to make sure that we restored the child tax credit for those low-income Americans who had been taken out of the bill. The President, who originally through the Vice President, DICK CHENEY, had agreed with the plan to remove that provision that helped low-income families with a child tax credit, reversed position as well and the President said, I want to sign that tax bill, the child tax credit fix that was passed by the Senate. And then the bill came over to this body. We actually had, as I said, a motion to instruct conferees 36 days ago where we told the House conferees, let us go with the Senate bill. Yet the House leadership has prevented that from happening.

Next Friday, as the Democratic whip indicated, next Friday, July 25, many Americans are going to go to their mailboxes, and they are going to find a tax rebate check there. Because of the nature of this bill, the wealthiest in our country are going to find some very big checks. In fact, the wealthiest 1 percent will receive on average \$100,000 in tax cuts. Many other Americans will receive much smaller checks. But there is one group of Americans that is going to go to their mailboxes and find nothing at all and that is the low-income working families who were cut out of the bill and for whom the