

Hinchey	McGovern	Sanders
Hoefel	Meehan	Schakowsky
Holt	Meek (FL)	Schiff
Honda	Meeks (NY)	Scott (VA)
Inslie	Menendez	Serrano
Jackson (IL)	Michaud	Sherman
Jackson-Lee	Millender-	Slaughter
(TX)	McDonald	Smith (WA)
Jefferson	Miller, George	Solis
Johnson, E. B.	Moran (VA)	Stark
Jones (OH)	Nadler	Strickland
Kanjorski	Napolitano	Thompson (CA)
Kaptur	Oberstar	Thompson (MS)
Kildee	Obey	Tierney
Kilpatrick	Olver	Towns
Klecza	Otter	Udall (CO)
Kucinich	Owens	Udall (NM)
Larson (CT)	Pallone	Van Hollen
LaTourette	Pastor	Velazquez
Lee	Paul	Waters
Lewis (GA)	Payne	Watson
Lofgren	Pelosi	Watt
Majette	Petri	Waxman
Markey	Rahall	Weiner
Matsui	Rangel	Wexler
McCarthy (MO)	Roybal-Allard	Woolsey
McCollum	Rush	Wu
McDermott	Ryan (OH)	Wynn

NOT VOTING—15

Akin	Fletcher	Sanchez, Linda
Ballance	Gephardt	T.
Blumenauer	Gutierrez	Stupak
Boehler	McCotter	Young (AK)
Bradley (NH)	Miller (NC)	
Case	Pearce	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes remaining to vote.

□ 0012

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We plan to consider H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003.

□ 0015

We also expect to appoint conferees on several measures and to have additional conference reports ready for the House's consideration.

Finally, I would like to note for all members that we do not plan to have votes next Friday, November 7.

I thank the gentleman for yielding, and will be happy to answer any questions that he may have.

Mr. HOYER. I thank the gentleman for the information. I would note that earlier today, of course, we passed a continuing resolution that will fund the government through November 7, next Friday. We are not going to meet next Friday. It is my presumption, therefore, that the gentleman or the gentleman from Florida (Mr. YOUNG), or both of you, contemplate an additional CR.

You have not mentioned anything about the week of November 10 either, Mr. Leader. As you know, November 11 is Veterans' Day.

Assuming, as I assume, that we will not finish our business by the close of business on November 6, and in light of the fact the gentleman announced we will not be here on the seventh, can the gentleman for scheduling purposes give Members an idea of what might be the schedule for the week of November 10, again in light of the fact that November 11 is a day that most Members will want to be home with their veterans and citizens.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. As the gentleman knows, the CR we passed earlier today does go through next Friday, and, as we get closer to next Friday, we will sometime next week have to reassess the progress of the various appropriations conferences and determine what length of time a likely additional CR would have to run.

We are going to spend a lot of time this weekend and the first of next week trying to figure out what the future holds. I do not expect us to have votes on Monday, November 10, or on Tuesday, November 11, which is Veterans' Day, as the gentleman has said. But on Wednesday, if we come back Wednesday, we would not have votes before 6:30 p.m.

We do anticipate having votes that week, but I just cannot say how late into the week we would be considering legislation.

I can say that we had hoped to finish the first session of this Congress by the first week of October, but, since that time, with the exception of the supplemental that we just passed, we basically have been waiting for the other body to catch up with us.

I have repeatedly predicted that we will soon reach the end, but, since we have not, and I am very disappointed that it does not look like we will reach the end by November 7, maybe it is best I just stop guessing as to when we are going to end. But we will give Members as much advance notice as we can. For right now, I must say that Members should not make any pre-Thanksgiving plans.

Mr. HOYER. I thank the leader for that observation. I think it is helpful that Members can be confident they can schedule events for the eleventh, Veterans' Day. I think that will be very helpful for Members.

The gentleman did not mention the FSC bill, the Foreign Sales Corporation bill. Can the gentleman tell us when you might expect that bill to be on the floor?

I yield to the gentleman.

Mr. DELAY. It is very difficult to say. Unfortunately, as these things happen, a lot of work is coming out of our Committee on Ways and Means. As the gentleman knows, the Committee on Ways and Means is very wrapped up in negotiations on the Medicare bill. They are also heavily involved in the energy conference, and they are just having a tough time getting all of this done. So we would hope we could do that bill some time next week, but we cannot predict that at this particular time, because next week is going to be heavily involved in the energy bill and the Medicare bill.

Mr. HOYER. I thank you, Mr. Leader. That was going to be my question. Does the gentleman expect both the energy conference report and the Medicare conference report, the prescription drug report, to be on the floor next week?

Mr. DELAY. Well, if the gentleman will yield further, we still hope to finish both of these bills before we complete the first session. There have been various discussions between both bodies, even though these discussions have not been formal in nature. At this point, I just cannot give a specific time frame for when these discussions will produce a recommendation for the conferees to consider and when the House would consider these final conference reports.

There are very difficult discussions going on. We had hoped that we could vote on these two bills next week, but just the physical writing of the bill on Medicare would take 8 to 10 days. So that is why I say Members should not make pre-Thanksgiving plans.

Mr. HOYER. Reclaiming my time, I thank the leader for his observations.

The leader and I, as the leader knows, have been having a lot of discussions about these conferences that are being held, somewhere, sometime, with some people.

I do not know whether the leader was informed, but the gentleman from New York (Mr. RANGEL) took the gentleman literally and found where a meeting at least was going on with the gentleman from California (Mr. THOMAS) and Secretary Thompson, and the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY), both conferees appointed by the Speaker, went, opened the door, and went through the door with a number of Committee on Ways and Means Members.

I must tell the gentleman with great sadness, the gentleman from California (Mr. THOMAS) was not overwhelmingly happy to see them, which surprised me to no end, after our discussions and my conversation with the gentleman from New York (Mr. RANGEL), telling him how these conferences were going on

and you wanted to see a bill go through.

The gentleman might want to talk to the gentleman from California (Mr. THOMAS), because essentially he asked the gentleman from New York (Mr. RANGEL) to leave. We were shocked and chagrined and surprised, of course, that he would do such a thing.

I say this somewhat jocularly, obviously, but the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY) were not invited to this meeting, and, if these bills come to the floor next week, they are going to do so without having any Democrat participate in any substantive discussions on the prescription drug bill.

The leader is correct, it is a complicated bill, an incredibly important bill, and both sides have expressed strong support for adopting a prescription drug plan for our seniors. There are obviously differences on what ought to be in that plan.

But I would again say to the leader, notwithstanding your belief, I think the gentleman may be not informed as fully as he might be, because we continue to have great difficulty finding out where these conferences that the gentleman has been talking about and that the gentleman and I have been talking about, where they are going on, when they are being scheduled and who is supposed to participate. We have been talking about this, and, at some point in time, we really do expect that we will be invited to the conferences.

We had a serious bill and we had some disruption on the floor today, Mr. Leader, with reference to the FAA reauthorization bill. We recommitted the bill from this floor to conference. No conference occurred. No Democrats were invited to attend. As far as we know, no conference ever occurred. The bill reappeared, however, with a change.

Mr. Leader, we do not think that is in the best interests of this institution, we do not think it is in the best interests of the country, and we do not think it is in the best interests of passing legislation, conference reports, which have broad-based support.

I know, as the leader says, these are difficult, and I do not doubt that the leader is absolutely correct, that when an agreement is reached, it is going to take 7 or 8 days for the staff to put it together and in shape. I think the leader is probably correct on that.

I am hopeful that even if we are never invited, which seems to be the practice to date, that, at the very least, when somebody, somewhere, in some room, somehow makes a decision as to the bill that is going to be reported to the floor, that, at the very least, we get a copy of that bill in a timely fashion so, as complex a bill as you correctly observe it is, we have the time to analyze it, digest it and determine what we want to do on that bill.

I would hope that these comments would be taken in a constructive way,

Mr. Leader, because I am very serious about the fact that I have participated, the gentleman has participated, we talked about this in conference committees where we sat down, we talked about it. I can remember the gentleman and I agreeing on some and disagreeing on some in conference, in HC-5 in particular, where we had large numbers of people participating in conferences. I thought those were positive, productive, and reflective of what our democratic legislative process ought to be.

We are very distressed on this side of the aisle that that does not appear to be happening. I would hope that you, Mr. Leader, as the majority leader, frankly, as the person most responsible for the schedule, but also one of the most significant leaders in this House, that you would try to work in a very positive way in bringing about conferences, which, again, include the conferees appointed by the Speaker of the House.

I yield to the gentleman if he would like to make any comments.

Mr. DELAY. I appreciate the gentleman yielding. The gentleman brings up many different issues, and I appreciate his concern.

Let me just try to answer in this way. On the FAA reauthorization conference report, as the gentleman knows, there were formal conferences held during the whole process of that bill. Many issues were discussed with all the conferees.

To be honest with the gentleman, I think it was unfortunate that a formal conference was not called on that bill this week, and I will work to make sure that we follow the rules of the House and formal conferences are held before those conference reports come back to the floor.

But I must say that the gentleman knows that it is not unusual to have discussion groups, meetings with all kinds of different people as conference recommendations are being put together for a formal conference meeting. I can assure the gentleman that on the Medicare bill and on the energy bill, formal conferences will be held before those bills come to the floor in the form of a conference report. But just to make this place work, there has to be a lot of meetings, and there is a lot of time spent together with a lot of people to get these big bills put together.

The gentleman said that no Democrats have been included in the discussions on the Medicare bill. There are Democrats being consulted in many different forums, including regular discussion groups, so there is Democrat input in the Medicare conference discussions.

Mr. HOYER. Reclaiming my time, I thank the leader for his observation. I must, however, say the information he has is different from the information I have on the conference.

On the FAA, for instance, there was a meeting on July 24 in which there was no paper, no markup notes, no chair-

man's mark, no suggested bill, and that was the last meeting, to which the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat, who, as you well know, worked hand in glove with Mr. SHUSTER and with the gentleman from Alaska (Mr. YOUNG) over the years on those committees, simply did not participate. I agree with you, Mr. Leader, on that.

Mr. DELAY. If the gentleman will yield, that is consistent with what I said, in that formal conferences were held on that bill.

□ 0030

In fact, the major contentious issue that we debated this week on that bill was dealt with in the conference, as I am informed, as an amendment. So there was discussion and debate on the conference report.

What I was referring to was the process which was kind of an unusual process in its own right, of recommitting to a conference, making adjustments to the bill, and bringing it right back. Even with that and all of the discussion that has been going on about this bill, both in formal meetings and informal meetings, frankly, a formal conference should have been held before we brought that conference report to the floor.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand that, and I appreciate that. I appreciate the gentleman's observation. We agree: a formal conference should have been held. Because it was not, the majority had to waive the rule in the rule that was presented on the floor of the House.

With respect to the energy bill and Medicare, I would tell the gentleman in neither case, in the energy bill nor in the prescription drug bill, did the Democratic conferees believe there has been a conference in either instance, in either one of these very important issues on which there have been any kind of discussions regarding the substance of those bills. I simply observe that that is shutting out the representatives of 130 million Americans on our side of the aisle to give their perspective, in conference, with conferees appointed by the Speaker.

Now, we all understand that we have discussions with Democrats on our side and there are discussions with Republicans on your side, talking about strategy, talking about compromise, talking about how to work things out. That is understandable. That is necessary. It always and must occur. However, at some point in time, the conferees, we suggest to the gentleman respectfully, need to be included in discussions, not in a pro forma conference at the end of the process, being informed what the bill is. That, frankly, is all that has been happening.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I just have to correct the gentleman. There have been, I do not recall how many formal conferences have been called on the energy bill, but I know more than one has

been called on the energy bill. I am on the conference on the Medicare bill. I have attended two formal conferences on the Medicare bill, and the House Democrats that are conferees have attended both of those formal conferences on the Medicare bill.

As I have said many times on this floor when approached by the gentleman with his concerns, we are holding conferences with Democrats of this House, not conferences; we are holding discussions. I know the chairman of the Committee on Ways and Means and the chairman of the Committee on Energy and Commerce have informed me that there have been many discussions with the Democrats, including the ranking member. Not many, but there have been many discussions that include different groups of Democrats about what they would like to see in this bill, including the ranking member. I think, I could be corrected, but I think there was a meeting with the chairman of the Committee on Ways and Means and the ranking member and other Democrats on the Committee on Ways and Means about the Medicare bill just this week.

So whenever there is a formal conference, the conferees that have been appointed by the Speaker are invited to that conference, and there will be a formal conference before that Medicare bill comes to this floor, as in the form of a conference report.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for his observation. We, I think, are getting different information from our principals. The gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), I think, do not share that same view as to whether or not they have been included, two of our most senior Members of this House, two Members deeply concerned about both issues.

In any event, Mr. Leader, I appreciate the gentleman clarifying the schedule for next week and the week thereafter. That will be helpful to our Members.

ADJOURNMENT TO TUESDAY, NOVEMBER 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, November 4, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT AS MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mrs. Elisabeth DeVos, Grand Rapids, Michigan.

UNITED STATES CONTINUES TO BREAK LAW

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

Mr. MCDERMOTT. Mr. Speaker, as the President announced that everything is fine in Iraq, the Red Cross is leaving, the Doctors Without Borders is leaving, and the United States continues to break the law. The problem there is we say we want to establish the rule of law, but we break it. The U.S. provisional authority in Iraq is breaking international law from the 1907 Hague Convention and the Geneva Convention.

On September 19, the viceroy, Mr. Bremer, said anybody will now be permitted to have full ownership of a wide range of state-owned Iraq assets. That violates the 1925 constitution which has been in effect and has not been changed by the people which bars private ownership of natural resources or the means of production. It prohibits the foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

We cannot bring democracy to a country and fail to bring the rule of law. The United States is talking out of both sides of its mouth.

Mr. Speaker, I include for the RECORD an article from the New York Times, dated October 29, titled, "Iraq Business Deals May Be Invalid, Law Experts Warn."

[From the New York Times, Oct. 29, 2003]

IRAQ BUSINESS DEALS MAY BE INVALID, LAW EXPERTS WARN

(by Thomas Catan)

The US-led provisional authority in Iraq may be breaking international law by selling state assets, experts have warned, raising the prospect that contracts signed now by foreign investors could be scrapped by a future Iraqi government.

International business people attending a conference in London this week heard that some orders issued by the US-led Coalition Provisional Authority (CPA) may be in breach of the 1907 Hague Regulations and the Fourth Geneva Convention.

"Is what they are doing legitimate, is it legal?" asked Juliet Blanch, a partner at the London-based international law firm Norton

Rose. "Most [experts] believe that their actions are not legal", she said. "There would be no requirement for a new government to ratify their [actions]."

International law obliges occupying powers to respect laws already in force in a country "unless absolutely prevented" from doing so.

According to international law experts, that throws doubt on the legality of the CPA's September 19 order opening the Iraqi economy to foreign investment. In what amounted to a blueprint for transforming Iraq into a market economy, Order 39 permitted full foreign ownership of a wide range of state-owned Iraqi assets, barring natural resources such as oil.

However, such sweeping economic reform may not be legal, as the UK government was privately warned by its chief law officer in the first days of the war. In his private advice, later leaked to the press, Lord Goldsmith wrote that "the imposition of major structural economic reforms would not be authorised by international law."

The British government will not now comment on the attorney general's advice, which it maintains was confidential.

Questioned in parliament by Shirley Williams, the Liberal Democrat leader of the House of Lords, a minister argued that the government was "confident that their policies and actions in Iraq are right and consistent with the UK's international obligations."

However, international experts say foreign investors could face a wide range of legal problems in Iraq. Not least is the fact that Order 39 is "strictly contrary to the Iraqi constitution," according to Stephen Nelson, a partner at Squire, Sanders & Dempsey, speaking before the conference on Monday.

Indeed, the Iraqi constitution—which cannot legally be altered without the consent of the Iraqi people—contains a wide range of other provisions that could be highly troublesome for foreign investors.

Iraqi law bans private ownership of "national" resources or "the basic means of production". It also prohibits foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

There is also the question of what will happen to existing contracts with foreign companies, signed with the government of Saddam Hussein.

The CPA has yet to announce what will become of pre-existing contracts, many of which are held by Russian, Chinese and French companies.

However, international law experts have said they could be enforced, raising the possibility that contracts with the ousted regime might be more enforceable than those signed with the CPA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of North Carolina (at the request of Ms. PELOSI) for October 29 after 5:30 p.m. and the balance of the week on account of official business.

Ms. LINDA T. SANCHEZ of California (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. ISAKSON (at the request of Mr. DELAY) for today until 1:00 p.m. on account of addressing the Georgia Department of Adult and Technical Education in Savannah.