

on time, as the gentleman from Wisconsin (Mr. OBEY) has conceded. There are other problems.

One of the problems, and I do not know that anybody is going to like to hear this especially on my side of the aisle, one of the problems is this tremendous desire to solve legislative problems that the authorizing committees either cannot or will not solve. They are put onto appropriations bills, and they ask us to solve them because appropriations bills have to pass, Mr. Speaker. They are the only bills here really that have to pass. So we become a magnet for all of those issues that authorizers cannot solve, and we try to do the best we can. I think we are on the verge of having completed this job for this year.

I do not think it does any good to blame anybody. In fact, I would like to say that the chairman of the Appropriations Committee in the Senate is an outstanding leader, a strong, dynamic leader, who is very knowledgeable and understands the process totally. He understands the issues as well as anybody that I know. But he has a very difficult situation in the Senate, and he has done the best job that he could.

Anyway, Mr. Speaker, we are closing in on this. We are really prepared. We have been prepared for 3 weeks to file the Transportation and Treasury appropriations bill. We have been prepared for a week to file the conference report on the Foreign Operations appropriations bill. And they can be completed in a very short period of time.

The other remaining issue would be the omnibus bill that includes five appropriations bills that have not been completed in conference. And we are very close to having that completed. We are very close to being able to file that bill and vote on it. As a matter of fact, we had hoped that we would file it tonight. A lot of changes happened during the day. And every time we make a change, it takes a little extra time. So we probably will not file that bill tonight unless the House remains in session very late.

Anyway, I would agree that the process has not worked the best, but I would also say that I compliment the Members of House and especially the members of the Committee on Appropriations in the House and the staff that worked so diligently with us. We did our job. We have done our job, and we are attempting to pursue the completion of the whole process.

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

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as the gentleman from Florida has indicated, the Commerce-Justice bill could very easily have been brought back to this floor separately and passed separately. The Transportation bill could very easily have been brought back to the floor and passed separately. The Foreign Operations bill could very easily have been brought

back to the bill floor and passed separately. The Agriculture the same and the VA-HUD bill the same.

The problem is, as the gentleman indicated, that there are many other issues that are being drug into the appropriations process. And we also see the situation complicated by the fact that the House Republican leadership, despite votes to the contrary on a number of issues, is insisting on seeing an outcome on a number of these issues which is at variance with the expressed wishes of the Members of the House. And I think therein lies the reason for the delay and delay and delay.

I think the problem that we have, Mr. Speaker, the gentleman from Florida, my good friend, indicated that the committee product is serving as a magnet for other authorizations. I think a better metaphor would be that it is looking more and more like a garbage truck. And the problem we have is that this bill has not been allowed to proceed because I think the House leadership is still trying to determine what bags of garbage have to be tossed down to the truck before the truck is driven through here in the dead of night.

□ 2000

So that is the choice that we face, Mr. Speaker. It is not a pretty sight, and the outcome is not going to be very good. But there is not much we in the minority can do to affect either the scheduling or to affect how much garbage is tossed on the truck before it is run through the Capitol. I just hope the smell is not too bad before it is over.

Mr. Speaker, I urge a "yes" vote on the resolution.

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

Mr. YOUNG of Florida. Mr. Speaker, I ask for a "yes" vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate as expired.

The joint resolution is considered read for amendment.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. OBEY. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION APPOINTING DAY FOR CONVENING OF SECOND SESSION OF 108TH CONGRESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-398) on the resolution (H. Res. 464) providing for consideration of a joint resolution appointing the day for the convening of the second session of the One Hundred Eighth Congress, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-399) on the resolution (H. Res. 465) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

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

Accordingly (at 8 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2050

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 8 o'clock and 50 minutes p.m.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER.

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

U.S. HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, November 13, 2003.

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

DEAR MR. SPEAKER: Pursuant to section 7(b)(1) of the Prison Rape Elimination Act of 2003 (P.L. 108-79), I hereby appoint Ms. Brenda V. Smith of the District of Columbia and Ms. Jamie Fellner, Esq. of New York, to the National Prison Rape Reduction Commission.

Best regards,

NANCY PELOSI.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the vote on passage

of the joint resolution, H.J. Res. 79, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 407, nays 16, not voting 11, as follows:

[Roll No. 664]

YEAS—407

Abercrombie	Davis (AL)	Holt
Ackerman	Davis (CA)	Honda
Aderholt	Davis (FL)	Hooley (OR)
Akin	Davis (IL)	Hostettler
Alexander	Davis (TN)	Houghton
Allen	Davis, Jo Ann	Hoyer
Andrews	Davis, Tom	Hulshof
Baca	Deal (GA)	Hunter
Bachus	DeGette	Hyde
Baird	DeLaunt	Inslee
Baker	DeLauro	Isakson
Baldwin	DeLay	Israel
Ballance	Deutsch	Issa
Ballenger	Diaz-Balart, L.	Istook
Barrett (SC)	Diaz-Balart, M.	Jackson (IL)
Bartlett (MD)	Dicks	Janklow
Barton (TX)	Doggett	Jefferson
Bass	Dooley (CA)	Jenkins
Beauprez	Doollittle	John
Bell	Doyle	Johnson (CT)
Bereuter	Dreier	Johnson (IL)
Berkley	Duncan	Johnson, E. B.
Berman	Dunn	Johnson, Sam
Berry	Edwards	Jones (NC)
Biggart	Ehlers	Jones (OH)
Bilirakis	Emanuel	Kanjorski
Bishop (GA)	Emerson	Kaptur
Bishop (NY)	Engel	Keller
Bishop (UT)	English	Kelly
Blackburn	Eshoo	Kennedy (MN)
Blumenauer	Etheridge	Kennedy (RI)
Blunt	Evans	Kildee
Boehlert	Everett	Kilpatrick
Boehner	Farr	Kind
Bonilla	Fattah	King (IA)
Bonner	Feeney	King (NY)
Bono	Ferguson	Kingston
Boozman	Flake	Kirk
Boswell	Foley	Kleczka
Boucher	Forbes	Knollenberg
Boyd	Fossella	Knollenberg
Bradley (NH)	Frank (MA)	Kolbe
Brady (PA)	Franks (AZ)	LaHood
Brady (TX)	Frelinghuysen	Lampson
Brown (OH)	Frost	Langevin
Brown (SC)	Galleghy	Lantos
Brown, Corrine	Garrett (NJ)	Larsen (WA)
Brown-Waite,	Gerlach	Larson (CT)
Ginny	Gibbons	Latham
Burgess	Gilchrest	LaTourrette
Burns	Gillmor	Leach
Burr	Gingrey	Lee
Burton (IN)	Gonzalez	Levin
Buyer	Goode	Lewis (CA)
Calvert	Goodlatte	Lewis (GA)
Camp	Gordon	Linder
Cannon	Goss	Lipinski
Cantor	Granger	LoBiondo
Capito	Graves	Lofgren
Capps	Green (TX)	Lowe
Cardin	Green (WI)	Lucas (KY)
Cardoza	Greenwood	Lucas (OK)
Carson (IN)	Grijalva	Lynch
Carson (OK)	Gutierrez	Majette
Carter	Gutknecht	Maloney
Case	Hall	Manzullo
Castle	Harman	Markey
Chabot	Harris	Matheson
Chocola	Hart	Matsui
Clyburn	Hastings (FL)	McCarthy (MO)
Coble	Hastings (WA)	McCarthy (NY)
Cole	Hayes	McCollum
Collins	Hayworth	McCotter
Cooper	Hefley	McCreery
Cox	Hensarling	McGovern
Cramer	Herger	McHugh
Crane	Hill	McInnis
Crenshaw	Hinchee	McIntyre
Crowley	Hinojosa	McKeon
Cubin	Hobson	McNulty
Culberson	Hoeffel	Meehan
Cummings	Hoekstra	Meek (FL)
Cunningham	Holden	Meeks (NY)

Menendez	Putnam	Solis
Mica	Quinn	Souder
Michaud	Rahall	Spratt
Millender-	Ramstad	Stearns
McDonald	Rangel	Stenholm
Miller (FL)	Regula	Strickland
Miller (MI)	Rehberg	Stupak
Miller (NC)	Renzi	Sullivan
Miller, Gary	Reyes	Sweeney
Mollohan	Reynolds	Tancredo
Moore	Rodriguez	Tanner
Moran (KS)	Rogers (AL)	Tauscher
Moran (VA)	Rogers (KY)	Taylor (MS)
Murphy	Rogers (MI)	Taylor (NC)
Murtha	Rohrabacher	Terry
Musgrave	Ros-Lehtinen	Thomas
Myrick	Ross	Thompson (CA)
Nadler	Rothman	Thompson (MS)
Napolitano	Royal-Allard	Thornberry
Neal (MA)	Royce	Tiahrt
Nethercutt	Rush	Tiberi
Neugebauer	Ryan (OH)	Toomey
Ney	Ryan (WI)	Towns
Northup	Ryun (KS)	Turner (OH)
Norwood	Sabo	Turner (TX)
Nunes	Sanchez, Linda	Turner (VA)
Nussle	T.	Udall (CO)
Oberstar	Sanchez, Loretta	Udall (NM)
Obey	T.	Upton
Ortiz	Sanders	Van Hollen
Saxton	Sandlin	Velazquez
Schakowsky	Saxton	Visclosky
Schiff	Schiff	Vitter
Schrock	Schrock	Walden (OR)
Scott (GA)	Scott (GA)	Walsh
Scott (VA)	Scott (VA)	Wamp
Sensenbrenner	Sensenbrenner	Waters
Serrano	Serrano	Watson
Sessions	Sessions	Waxman
Shadegg	Shadegg	Weiner
Shaw	Shaw	Weldon (FL)
Shays	Shays	Weldon (PA)
Sherwood	Sherwood	Weller
Shimkus	Shimkus	Wexler
Shuster	Shuster	Whitfield
Simmons	Simmons	Wicker
Simpson	Simpson	Wilson (NM)
Skelton	Skelton	Wilson (SC)
Slaughter	Slaughter	Wolf
Smith (MI)	Smith (MI)	Woolsey
Smith (NJ)	Smith (NJ)	Wu
Smith (TX)	Smith (TX)	Wynn
Smith (WA)	Smith (WA)	Young (AK)
Snyder	Snyder	Young (FL)

NAYS—16

Becerra	Ford	Olver
Capuano	Jackson-Lee	Sherman
Conyers	(TX)	Stark
DeFazio	Kucinich	Tierney
Dingell	McDermott	Watt
Filner	Miller, George	

NOT VOTING—11

Clay	Gephardt	Radanovich
Costello	Lewis (KY)	Ruppersberger
DeMint	Marshall	Tauzin
Fletcher	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Two minutes remain in this vote.

□ 2137

Mr. GEORGE MILLER of California changed his vote from "yea" to "nay." So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, is it my understanding that

the rule we are about to take up for the underlying bill, H.R. 1, is a rule that is pursuant to a conference and a conference report where Democratic conferees were not even allowed into the room and where the Committee on Rules did not address the elimination or the lack of acknowledgment of the participation of the Democratic conferees? Is this H.R. 1 that we are about to take up? And is there any way for the points of order to be in order so that we could address that question on the floor of the House?

The SPEAKER pro tempore. The chair is about to recognize a member from the Committee on Rules to call up the rule, which will be read to the House.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1, MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 463 is a standard rule waiving all points of order against the conference report to accompany H.R. 1, the Prescription Drug and Medicare Modernization Act of 2003. The rule also waives all points of order against its consideration.

Mr. Speaker, I rise today in full support of the rule and of the underlying bill. I would like to thank Chairman THOMAS and Chairman TAUZIN for their outstanding coordination, their remarkable leadership, and the inspiring vision that they have provided on this critical legislation. The conferees have all worked extraordinarily hard to