

Upton	Weldon (FL)	Wilson (SC)
Visclosky	Weldon (PA)	Wolf
Vitter	Weller	Young (AK)
Walden (OR)	Whitfield	Young (FL)
Walsh	Wicker	
Wamp	Wilson (NM)	

NAYS—125

Abercrombie	Holt	Pastor
Baird	Honda	Paul
Baldwin	Inslee	Payne
Ballance	Jackson (IL)	Pelosi
Becerra	Jackson-Lee	Petri
Bell	(TX)	Rahall
Berry	Jefferson	Rangel
Blumenauer	Johnson, E. B.	Roybal-Allard
Boswell	Kanjorski	Rush
Boucher	Kaptur	Ryan (OH)
Brady (PA)	Kildee	Sanchez, Linda
Brown (OH)	Kilpatrick	T.
Brown, Corrine	Klecza	Sanders
Capuano	Kucinich	Schakowsky
Carson (IN)	Larson (CT)	Schiff
Clyburn	LaTourette	Scott (VA)
Conyers	Lee	Serrano
Costello	Lewis (GA)	Sherman
Crowley	Lofgren	Slaughter
Cummings	Majette	Smith (WA)
Davis (AL)	Markey	Solis
Davis (IL)	Matsui	Stark
DeFazio	McCarthy (MO)	Strickland
DeGette	McCollum	Stupak
Delahunt	McDermott	Tancredo
DeLauro	McGovern	Thompson (CA)
Deutsch	Meehan	Thompson (MS)
Dingell	Meek (FL)	Tierney
Doggett	Meeks (NY)	Towns
Doyle	Menendez	Udall (CO)
Duncan	Michaud	Udall (NM)
Eshoo	Millender-	Van Hollen
Evans	McDonald	Velazquez
Farr	Miller, George	Waters
Fattah	Moran (VA)	Watson
Filner	Nadler	Watt
Frank (MA)	Napolitano	Waxman
Grijalva	Oberstar	Weiner
Gutierrez	Obey	Wexler
Harman	Olver	Woolsey
Hastings (FL)	Otter	Wu
Hinchey	Owens	Wynn
Hoefel	Pallone	

NOT VOTING—7

Capps	Marshall	Souder
Clay	McKeon	
Jones (OH)	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1436

So the bill was passed.

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 and revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring about the schedule.

Mr. Speaker, at this time I yield to my friend the distinguished majority leader for the purpose of discussing the schedule for the coming week and perhaps the weeks thereafter.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland yielding to me.

Mr. Speaker, the House will convene on Monday 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 today.

On Tuesday, the House will convene at 9 a.m. for morning hour and 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules. We also hope to have the conference report on H.R. 6, the Energy Policy Act of 2003, ready for consideration.

In addition to that, there is a chance that we could consider a number of appropriations conference reports, as well as the Department of Defense authorization conference report.

Members should also be aware that we will likely move a continuing resolution next week, as the current one expires on October 31.

Finally, I would like to make all Members aware that we may be working into the late evening on Tuesday as we work to complete these important pieces of legislation. I urge Members to plan accordingly.

Mr. Speaker, I will be happy to answer any questions the gentleman may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the majority leader for his information.

Just to reiterate for the Members, am I correct that we will have votes starting at 6:30 on Monday?

Mr. DELAY. That is correct.

Mr. HOYER. Then we will be going in at 9 a.m. on Tuesday?

Mr. DELAY. That is correct.

Mr. HOYER. Which is different, a little earlier. I thank the gentleman for that.

The continuing resolution, Mr. Leader, you point out there will be a continuing resolution that, perhaps, will be considered next week. The current one goes to October 31.

Can you tell the Members what date you contemplate the continuing resolution going to?

Mr. DELAY. If the gentleman will yield further, we have not consulted with everyone yet, and certainly we will consult with the minority, but in talking to the other body, our goal would be to complete the first session by November 7. So, hopefully, the continuing resolution would match that timetable.

Mr. HOYER. So am I correct then that the contemplation would be that the CR that we would consider next week would go until November 7? I know that is not firm, but is that your current thought, that that would be the objective?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further. We are talking to the committee now, and really have not decided what that would be. I would assume that, at the very least, the CR would be until November 7, but there may be other CRs under consideration.

Mr. HOYER. Reclaiming my time, with respect to the appropriations conferences, I know the chairman is on the floor, but could the leader tell us which

conference reports are most likely to be on the floor and will those be, I take it, single in nature, that is to say, a conference report on one of the appropriations bills, as opposed to an omnibus bill or a multiappropriation bill piece of legislation?

Mr. DELAY. If the gentleman will yield further, this is a very difficult thing to predict with any level of certainty. It does appear that the more likely candidates for conference reports are the four appropriation bills that are now in conference. Off the top of my head, I think they are Labor-HHS, Military Construction, Energy and Interior. The other body has not passed six of their remaining appropriations bills.

Mr. HOYER. Reclaiming my time, I will certainly not ask you which party is in charge of the other body. That might not be an appropriate question on the floor of the House. But having said that, Mr. Leader, the chairman, again, being on the floor, I am on the Labor-HHS committee, and I have not attended any meeting of any conference committee on the Labor-HHS bill. You say it is in conference. Where?

Mr. DELAY. If the gentleman will yield, I am not advised as to any meetings that are going on. I am sure I can convey the gentleman's interest in going to meetings. I know of his love for meetings. But we have encouraged the Committee on Appropriations to get these conference reports done.

□ 1445

All we can do on our side: our Members are ready to go. The other body has their own problems that I cannot discuss here, but as soon as we can get the two sides together, hopefully, they will have those meetings and the gentleman will be invited.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am sure if it is up to the chairman of the Committee on Appropriations I will be; but in a non-humorous, but still friendly way, we are very concerned on this side, Mr. Leader, when we hear you announce that there are conferences going on, that conference reports may come out and, to our knowledge, we have not been invited to any conferences. We have not sat down to try to resolve differences in the bills.

As the gentleman knows, the labor-health bill in particular was very controversial on this side of the aisle. We want obviously to participate and try to resolve those differences and try to address those deficiencies that we see. Therefore, in light of the fact that we are going to be leaving tonight, tonight is Friday, not coming back until Monday night, and if we have a conference report, presumably that has to come out and the staff work is going to be done, because we cannot have a conference Tuesday morning or Monday night; no conference has been called as far as I know on the labor-health bill, and we cannot have the committee staff do its work between Tuesday

morning if we had a conference and Tuesday afternoon, that just will not work, for us to consider the conference report.

So we have a concern on our side of the aisle, Mr. Leader, in terms of how conferences are being carried out and, frankly, the definition of what a conference is now-a-days. A conference seems to be the appointment of conferees on either side of the aisle, and then the ranking Republican, either of the committee or subcommittee, meeting with the ranking Republican or Chair of the committee or subcommittee in the other body; and that is now called a conference. That may be a meeting of your side of the aisle, but it is not our perception that that is a conference as we have historically known it.

When we were in charge, frankly, I did attend on a regular basis conferences with both sides of the aisle, with my ranking member when I chaired the Subcommittee on Transportation, Treasury and Independent agencies, and where the gentleman from Michigan (Mr. DINGELL) and his ranking member attended when they had conferences. I do not mean that they did not discuss things, but I think it is appropriate for us to voice that concern.

Next, on the Iraq supplemental which we have just passed, do you expect a motion to go to conference next week on that? I yield to the leader.

Mr. DELAY. Mr. Speaker, I believe the other body is prepared to complete consideration of their bill, hopefully, this afternoon; and assuming they finish and request a conference, I would expect us to be able to appoint our conferees when we return next week.

Mr. HOYER. The gentleman mentioned also, Mr. Leader, reclaiming my time, the energy conference report. How likely is it that we will have that on the floor next week? Is the gentleman pretty confident that that will be here? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, from all of the numerous meetings that have been held, it is my indication that progress on that bill has been very encouraging. A lot of hard work has been done on the Energy Policy Act, and we have every expectation that we could consider that bill next week.

If the gentleman will further yield, I would just point out to the gentleman, as the gentleman knows and the other Members, but especially to the new Members to this body, when we get into an end-of-the-session like this, these things are very hard to predict. Once a decision is made on a bill, it could usually come straight to the body for a vote, but sometimes these bills take quite a bit of time to work out the differences between the two Houses.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for that information. I would reiterate, having discussed with the gentleman from Michigan (Mr. DINGELL), who is,

of course, the dean of this House and has 50 years of experience in this House, his concern that he is not sure what is going on in the conference on the energy bill. He is not sure what the schedule is on the energy bill. Neither his staff nor he know what product is going to be reported out.

Again, we are meeting next week for maybe, if we go late into the night, maybe 10 hours, 15 hours next week, and without really having had the opportunity to be fully involved in that conference. As a result, if that happens, our conferees on our side are not going to have any time to consider that substantively, not to mention the Members who will not have time to consider it in a very substantive way.

So I do not think there is any way to solve it now, because as far as we know, there have been no meetings of the conference scheduled. We have not been noted for conferences either Saturday, Sunday, or Monday. So that if something is going to happen, it apparently is going to happen without a formal meeting of the conference if that conference report comes to the floor on Tuesday.

I do not know whether the gentleman wants to comment on that. That is just our concern, Mr. Leader.

Mr. DELAY. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I am glad to yield.

Mr. DELAY. Mr. Speaker, the gentleman's concern is duly noted. And as the gentleman knows, at the end of a session like this, there are conferences and meetings going all over the place trying to get these bills wrapped up for the end of the session, and formal notices and appropriate notices will go out in a timely fashion so that Members will have time to understand what is in these bills before they vote on them.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am not sure how that is going to happen, Mr. Leader. I hope it happens. I hope the gentleman's representation is carried out, but it is hard to see in the next 72 hours how that can be effected, not counting the balance of today.

In any event, can the gentleman tell me if the gentleman expects the conference report to include the Clear Skies initiative? Does the gentleman have knowledge?

Mr. DELAY. Mr. Speaker, is the gentleman asking me if the Clear Skies initiative is going to be in the energy conference report?

Mr. HOYER. Yes, sir. Does the gentleman know that?

Mr. DELAY. If the gentleman will yield.

Mr. HOYER. I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I have no knowledge and have not been advised as to what is in the conference report that has not been completed. So when I know, the gentleman will probably know.

Mr. HOYER. Mr. Speaker, I do not know, but I do know that our conferees

again who have not been included in the discussions are very concerned about an issue that is rumored to be included in the conference report that has not been debated at all by either the conferees or by the House. So I raise that concern and would hope that the gentleman would raise that concern with the Chair of the conference committee.

I know today is the day the congressional Republican leaders have articulated as the day that they would complete the conference on the Medicare prescription drug bill. Could the majority leader bring us up to date on the status of that and when, if the gentleman expects between now and November 7, for that conference report to be brought back to the House. I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. On the Medicare conference, a lot of meetings have been held. Progress is being made. But as the gentleman knows, this is a very, very complicated issue with a whole lot of different, moving parts; and it is a very difficult issue to bring together. But even with the time frame that we have and have laid out, as far as timing as to when we might be able to finish that, I really cannot tell the gentleman with any degree of, any level of certainty. Work is going on. Those that want a bill are working very hard to get one, and we just hope that they can get it done before the end of this session.

Mr. HOYER. Mr. Speaker, reclaiming my time, of course, as the gentleman knows, we all would like to have a bill; but there are, obviously, differences of opinions as to what ought to be included in that bill, which always makes the legislative process difficult and time consuming. But this is another example, Mr. Leader, whereon Mr. BREAUX and Mr. BAUCUS on the Senate side have been included, to some degree, in the conference. However, on this side, none of our Members have been included in meetings related to the policies that ought to be included in the conference report.

I have mentioned now the appropriation bills, the energy bill, and now the prescription drug bill. It is of great concern to us that there is an obvious pattern of not including the minority, who are appointed conferees by the Speaker, not including them in discussions. And in light of the fact that there are no meetings formally of conferences and are not noted for conference meetings, it is impossible for us to know, A, what is going on; B, to have input; and, C, reach any kind of an agreement which might make the passage of prescription drugs, child care tax credits, an energy bill, appropriations bills, or any other legislation on behalf of the American public, made easier. I do not know if there is anything further the leader can say on that.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, the Members will

have every one of their rights protected when it is time for the conference to formally act on a bill. Certainly they will be included. As the gentleman knows, around here, the meetings that are being held in different areas and in different subsets of Members are being held with Members that want a bill and are trying to get a bill done, rather than to obstruct a bill. And Members' rights are always protected whenever they want to change a bill, substitute it, or whatever; and in the formal meetings of a conference, they can do so. But it wastes everybody's time, quite frankly; the reason for a conference committee is to be small with just a few Members so that we can work it out and get it done in an expedited manner. So those meetings are being held with Members who want to get a bill to the floor and to the President.

Mr. HOYER. Mr. Speaker, reclaiming my time, I do not want to be very confrontational, and I do not think these colloquies ought to be confrontational; I think it is a good discussion, but I think the gentleman needs to know honestly our view on this.

Let me remind the gentleman of the Patients' Bill of Rights. It passed the 106th Congress of this House with some 60-plus Republicans. However, the gentleman indicates that conferences are being held with people who want to pass a bill. The Speaker, as the gentleman knows, appointed over two-thirds of the Republican conferees who voted against the bill, and that bill never came out of conference. We were not surprised. In the 107th Congress, we were precluded from having a bipartisan bill because the gentleman from Georgia (Mr. NORWOOD) concluded that he was going to withdraw from discussions with the gentleman from Michigan (Mr. DINGELL) on that.

So with all due respect, Mr. Leader, if you make a judgment that you are not going to include people that you think do not have the same view that you have or that your chairmen have or that your Chairs of subcommittees have, then calling them conferences, we believe, is not appropriate. They may be meetings; they may be meetings of the Members of your side of the aisle who have responsibilities for the bills, but they are not conferences in any classic sense of bringing together the two Houses and all of the conferees who were appointed by the Speaker, not by us.

Conferees are appointed by the Speaker. We are not given any notice of hearings, we do not attend any hearings. And for the gentleman to say that people are meeting, we do not doubt that. We think the gentleman is absolutely right. We hear about those meetings. We read about those meetings. We read about the large conference on the energy bill when the gentleman from Louisiana (Mr. TAUZIN) and Mr. DOMENICI get together and talk. We think that is appropriate. They ought to do

that. They need to do that. It is their responsibility. But it is not a conference from our perspective. And there is not an opportunity for us to sit down and represent the point of view that we bring to the table, that we have been elected to put forth.

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

Mr. HOYER. I am glad to yield to my friend.

Mr. DELAY. I would just remind the gentleman, again, that formal conferences are held. When the formal work of the House, through its conference committees are to be done, at that particular time, Members that oppose the bill will have all of their rights protected, and they can go to those meetings and participate in the conference process.

But in order to get a bill, particularly a bill as complicated as an energy bill or the Medicare bill, it has never been, even when the gentleman's party was in the majority, it has never been the practice of having big, huge conference meetings and debates on a daily basis or a regular basis. These things are worked out with those who want a bill and then presented to the full conference in the light of day so that people can express themselves, and it is brought to this floor for further debate.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation; and, obviously, he and I disagree as to how this process occurred when we were in charge and how it is occurring now. But the gentleman and I have both had the privilege of being on the Committee on Appropriations for many years.

□ 1500

Mr. HOYER. The gentleman from Texas (Mr. DELAY) is now, as the majority leader, not on the committee because he has been elevated to his present position. But the gentleman and I have sat in many conferences together, he on one side of the aisle, me on the other side of the aisle, in which we had probably 30 members of the Committee on Appropriations from our side, usually eight or nine from the majority side, 12 or 15, so 20 to 25 Members, and discuss issue by issue and go through it. That is what we expect the conference to be, because that is what we expect the democratic process provides in a conference committee to resolve differences that might exist.

Mr. DELAY. Mr. Speaker, would the gentleman yield? I just remind the gentleman from Maryland (Mr. HOYER) in that particular case the gentleman is absolutely right. But everyone sitting at that table, at the time, wants a bill. And they work hard to get the bill rather than try to kill a bill. So, it is very easy to work in that configuration as the appropriators usually do.

And when everybody comes together and everybody knows that they are trying to get a bill and want a bill to be brought to the House, they are in-

cluded. And it is no different than any other conference.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want to assure the majority leader we want a prescription drug bill. We have been fighting for a prescription drug bill, but that does not necessarily mean we want your prescription drug bill. We want a bill that has the support of the majority, the American people, and that we believe we can have. We are fighting for such a bill.

We want an energy bill. We think this country needs an energy bill, certainly in light of the August 14 blackout in the northeast. We think we need to address that issue.

So let me assure the gentleman from Texas (Mr. DELAY) that we want to see these bills passed. But let me also assure the gentleman that if the condition preceding to having a conference in which we are included is saying that we will agree to it as it passed the House, if we oppose it, that is neither a reasonable request on your part, I believe, nor is it the expectation of either side that they be included in a conference only on a condition that they will agree to what the leadership wants to do.

I think we have probably discussed this sufficiently, but it is a real concern that we are not including both sides in these conferences. Because on the energy bill, I do not believe there has been a conference nor does the gentleman from Michigan (Mr. DINGELL) as we understand a conference. But we have a different view, perhaps.

Mr. Speaker, unless the majority leader wants to make additional comments, I would yield back the balance of my time.

ADJOURNMENT TO MONDAY,
OCTOBER 20, 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 Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.