

□ 1513

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 151 on H. Con. Res. 326—Detention of Dr. Wang Bingzhang—PRC, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING CONCERN OF CONGRESS OVER IRAN'S DEVELOPMENT OF MEANS TO PRODUCE NUCLEAR WEAPONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 398.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 398, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 3, answered "present" 14, not voting 40, as follows:

[Roll No. 152]

YEAS—376

Abercrombie	Buyer	Dicks
Ackerman	Calvert	Dingell
Aderholt	Camp	Doggett
Akin	Cannon	Dooley (CA)
Alexander	Cantor	Doolittle
Allen	Capito	Dreier
Andrews	Capps	Duncan
Bachus	Cardin	Dunn
Baird	Cardoza	Edwards
Baker	Carson (IN)	Ehlers
Baldwin	Carson (OK)	Emanuel
Ballance	Carter	Emerson
Barrett (SC)	Case	Engel
Bartlett (MD)	Castle	English
Barton (TX)	Chabot	Eshoo
Bass	Chandler	Etheridge
Beauprez	Chocola	Evans
Becerra	Clay	Everett
Bell	Clyburn	Fattah
Bereuter	Coble	Ferguson
Berman	Collins	Flake
Berry	Cooper	Foley
Biggart	Costello	Forbes
Bilirakis	Cox	Ford
Bishop (GA)	Cramer	Fossella
Bishop (NY)	Crane	Frank (MA)
Bishop (UT)	Crenshaw	Franks (AZ)
Blackburn	Crowley	Frelinghuysen
Blumenauer	Cubin	Frost
Boehlert	Culberson	Galleghy
Bonilla	Cummings	Garrett (NJ)
Bonner	Cunningham	Gerlach
Boozman	Davis (AL)	Gibbons
Boswell	Davis (CA)	Gilchrest
Boucher	Davis (FL)	Gillmor
Bradley (NH)	Davis (IL)	Gingrey
Brady (PA)	Davis (TN)	Gonzalez
Brady (TX)	Davis, Tom	Goode
Brown (OH)	Deal (GA)	Goodlatte
Brown (SC)	DeFazio	Gordon
Brown, Corrine	DeGette	Goss
Brown-Waite,	DeLauro	Graves
Ginny	DeLay	Green (TX)
Burns	Deutsch	Green (WI)
Burr	Diaz-Balart, L.	Grijalva
Burton (IN)	Diaz-Balart, M.	Gutknecht

Hall	McCarthy (MO)	Ryan (OH)
Harman	McCarthy (NY)	Ryan (WI)
Harris	McCotter	Ryun (KS)
Hart	McGovern	Sabo
Hastings (FL)	McInnis	Sánchez, Linda
Hayes	McIntyre	T.
Hayworth	McKeon	Sanchez, Loretta
Hefley	Meehan	Sanders
Hensarling	Meek (FL)	Sandlin
Henger	Menendez	Saxton
Hill	Mica	Schakowsky
Hinojosa	Michaud	Schiff
Hobson	Millender-	Schrock
Hoeffel	McDonald	Scott (GA)
Hoekstra	Miller (FL)	Scott (VA)
Holden	Miller (MI)	Sensenbrenner
Holt	Miller (NC)	Sessions
Honda	Miller, Gary	Shadegg
Hooley (OR)	Moore	Shaw
Hostettler	Moran (KS)	Shays
Houghton	Moran (VA)	Sherman
Hoyer	Murphy	Sherwood
Hulshof	Murtha	Shimkus
Hyde	Musgrave	Shuster
Inslee	Myrick	Simmons
Isakson	Nadler	Simpson
Israel	Napolitano	Skelton
Issa	Nethercutt	Slaughter
Istook	Neugebauer	Smith (MI)
Jackson (IL)	Ney	Smith (NJ)
Jackson-Lee	Northup	Smith (TX)
(TX)	Norwood	Smith (WA)
Jefferson	Nunes	Snyder
Johnson (CT)	Nussle	Souder
Johnson (IL)	Oberstar	Stearns
Johnson, E. B.	Obey	Stenholm
Johnson, Sam	Olver	Strickland
Jones (NC)	Ortiz	Stupak
Jones (OH)	Osborne	Sullivan
Kaptur	Ose	Sweeney
Keller	Otter	Tancredo
Kelly	Owens	Tanner
Kennedy (MN)	Pallone	Tauscher
Kennedy (RI)	Pascrell	Taylor (MS)
Kildee	Pastor	Taylor (NC)
Kilpatrick	Payne	Terry
Kind	Pearce	Thomas
King (IA)	Pelosi	Thompson (CA)
King (NY)	Pence	Thompson (MS)
Kingston	Peterson (MN)	Thornberry
Kirk	Petri	Tiahrt
Klecicka	Pickering	Tiberi
Kline	Pitts	Tierney
Knollenberg	Platts	Toomey
Kolbe	Pomboy	Towns
LaHood	Porter	Turner (OH)
Lampson	Portman	Udall (CO)
Langevin	Price (NC)	Udall (NM)
Lantos	Pryce (OH)	Upton
Larsen (WA)	Putnam	Van Hollen
Larson (CT)	Quinn	Velázquez
LaTourette	Radanovich	Visclosky
Leach	Ramstad	Vitter
Lewis	Rangel	Walden (OR)
Lewis (CA)	Regula	Walsh
Lewis (GA)	Rehberg	Wamp
Linder	Renzi	Watt
Lipinski	Reynolds	Waxman
LoBiondo	Rodriguez	Weiner
Lofgren	Rogers (AL)	Weldon (FL)
Lowey	Rogers (KY)	Weldon (PA)
Lucas (KY)	Rogers (MI)	Weller
Lucas (OK)	Rohrabacher	Wexler
Lynch	Ros-Lehtinen	Whitfield
Majette	Ross	Wicker
Maloney	Rothman	Wilson (NM)
Manzullo	Roybal-Allard	Wolf
Markey	Royce	Wu
Marshall	Ruppersberger	Wynn
Matheson	Rush	Young (AK)
Matsui		

NAYS—3

Conyers

Kucinich

Paul

ANSWERED "PRESENT"—14

Capuano
Filner
Hinchey
Kanjorski
Lee

McDermott
Miller, George
Mollohan
Rahall
Serrano

Stark
Waters
Watson
Woolsey

NOT VOTING—40

Baca
Ballenger
Berkley
Blunt
Boehner
Bono

Boyd
Burgess
Cole
Davis, Jo Ann
Delahunt
DeMint

Doyle
Farr
Feeney
Gephardt
Granger
Greenwood

Gutierrez	McCrery	Solis
Hastings (WA)	McHugh	Spratt
Hunter	McNulty	Tauzin
Jenkins	Meeks (NY)	Turner (TX)
John	Neal (MA)	Wilson (SC)
Latham	Oxley	Young (FL)
Lewis (KY)	Peterson (PA)	
McCollum	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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Mr. CONYERS changed his vote from "present" to "nay."

Mr. MOLLOHAN changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, during today's rollcall votes on H. Res. 627, H. Con. Res. 326, and H. Con. Res. 398, I was en route to my congressional district for official business. Had I been present, I would have voted in favor of each of these resolutions.

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 rise to inquire of the majority leader the schedule for next week.

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

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

Mr. DELAY. Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour debates 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 Tuesday.

For Wednesday and the balance of the week, we plan to consider several bills that address the impact of health care costs and American job creation and economic prosperity: H.R. 7249, flexible spending accounts; H.R. 4280, medical liability reform; and H.R. 4281, association health plans.

In addition, we will also consider H.R. 4275, which would permanently extend the 10 percent individual income tax bracket.

Finally, I would like to remind all Members that we do expect to have votes next Friday, May 14.

Mr. Speaker, I would be happy to answer any questions.

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

Mr. Leader, you have listed for next week legislation regarding the 10 percent tax bracket expansion. Is it safe to assume the bill will not be considered in the Committee on Ways and Means, but will come directly to the floor instead, just as was the case with the AMT bill last week and the marriage penalty bill the week before that?

Mr. DELAY. That is correct.

Mr. HOYER. Will we be able to offer a substitute as we have in the past?

Mr. DELAY. If the gentleman will continue to yield, I think we have demonstrated on these bills as we move along, the Committee on Rules has been very gracious in allowing substitutes, but I do not want to assume or influence the Committee on Rules as to what they may or may not do.

Mr. HOYER. I appreciate the gentleman's observation. However, I might say that we believe fair is not gracious, but fair and appropriate.

We appreciate their graciousness from time to time. I am trying to remember when that last happened. We appreciate the fact that it has been done and hope it will continue to be done.

Am I correct in assuming that the week after next the child tax credit will be on the floor?

Mr. DELAY. Mr. Speaker, I did not hear the gentleman.

Mr. HOYER. Mr. Speaker, we are going to do the 10 percent bracket next week. Would it be safe to assume the week following we will do the child tax credit?

Mr. DELAY. That is correct. It is safe to assume that.

Mr. HOYER. With respect to the associated health plans, the medical malpractice, and the flexible savings account bills, can you tell us what procedures will be employed for consideration of these three bills?

Mr. DELAY. Mr. Speaker, I just had brief consultations with the chairman of the Committee on Rules, and he is inclined to recommend to his committee that the amendments to these bills be in the nature of a substitute.

Mr. HOYER. Mr. Leader, can you tell me whether these bills will be in exactly the same form as they were when they passed the House last year.

Mr. DELAY. I am afraid I cannot answer that question. I have not read as of yet those three bills, so I cannot answer that question as compared to bills from last year.

Mr. HOYER. Mr. Leader, can you call me when you do read them.

Mr. Leader, would it be fair, and I see the chairman is on the floor, would it be fair to assume that these bills will not be considered in committee again?

Mr. DELAY. Mr. Speaker, if the gentleman would continue to yield, that is correct. I am under the impression that H.R. 4279, the flexible spending accounts bill, has been considered in committee. But medical liability and the association health plan bills are bills that we have passed in this House before.

Mr. HOYER. Mr. Speaker, reclaiming my time, although we have considered them before, you are not sure whether they are going to be in exactly the same form as when they last passed the House last year?

Mr. DELAY. If the gentleman would yield, "exactly" is too stringent a word for me to answer. Exactly, I do not know. I am advised that these two bills have passed the House floor and are substantially the same.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. Before yielding back my time and with the leader on the floor, Mr. Leader, I have said this before, I mean it as sincerely as I can say it: this side of the aisle intends to participate to the extent we are allowed in a bipartisan way to put forth and enhance the interests of this country.

There are many of us on this side of the aisle who are supportive of our efforts in Iraq. We now have had, unfortunately, two instances, the instance we just dealt with today and the instance of support of the troops some weeks ago, in which essentially this side of the aisle was not included in those deliberations. This is not an issue about process. It is an issue about substance because substantively we want to project to the world the unanimity that you have indicated on the floor you would like to effect as well.

In light of that, Mr. Leader, I would respectfully request that as we consider issues of great importance and gravity as it relates to the prosecution of our efforts in fighting terrorism and in Iraq, efforts which we ought to be united on notwithstanding our differences in terms of implementation and success of our troops and our objectives, that you and the leaders on your side of the aisle give us the time and the opportunity to be included so that they may in fact be, notwithstanding the votes, but in actuality be bipartisan. I thank the gentleman for consideration of that.

We have been disappointed that that has not occurred. We have lamented that fact on numerous pieces of legislation. We do not believe it is in the best interest of the American public; but when we are dealing with domestic issues, that is not as important. But it is critically important in dealing with the issues of international policy of our troops abroad, their safety, security, and the support we give to them. So we would urge that those items perhaps be treated more sensitively as it relates to the interests of the minority and the role of the minority in forging those resolutions and policy statements. I appreciate the majority leader's consideration of that request.

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

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

Mr. DELAY. Mr. Speaker, the gentleman sees it a little differently than I do. The gentleman says there was no consultation on this particular resolu-

tion. Nothing could be further from the truth. This leader asked the chairman of the Committee on Armed Services to write a resolution on an event that started 1 week ago, so we could not do it much sooner than this week.

At the beginning of this week, we asked the Committee on Armed Services to write a resolution and admonished the chairman to reach out to the Democrats and the ranking member in order to write that resolution. The staff and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) worked diligently together and came up with a draft yesterday that was sent to legislative counsel. That draft was given then to the leadership, to the minority leader's office, to the Speaker's office, and to my office for consultation.

The minority leader's office came back and wanted to eliminate two clauses in the resolution. I would be glad to read the gentleman the clauses they wanted to eliminate, and it was very surprising to us that the minority leader wanted to remove two clauses congratulating the good work done by our troops in Iraq, and the minority leader wanted to add an additional clause that had nothing to do with the tone or the substance of the resolution.

We rejected adding a clause that had nothing to do with the tone or substance of the resolution and offered to remove the two clauses that they had objections to. That is when they walked away from the table, asked the ranking member to remove his name from the resolution, and that is the resolution that came to the floor.

I do not know how much more bipartisan we can get than that. Unfortunately, some people's definition of bipartisan is to buy into our partisanship or we will go home and not negotiate. That is exactly what happened in this process. If the gentleman has another way of reaching out and working together where we can come to some resolution, than I am more than open to working out a way to get these very important resolutions, as the gentleman says, to the floor in a bipartisan way.

But I also point out to the gentleman that only 50 Members of this House, including the minority leader and the gentleman voted against this resolution; 365 Members voted for this resolution, and I call that bipartisan.

Mr. HOYER. Mr. Speaker, reclaiming my time, I will take a back seat to no one. You, Mr. Leader, the gentleman from California (Mr. HUNTER), or anybody else in this House on support of the troops, support of our efforts, and support of this country, period. But we do see things differently, Mr. Leader.

I think I have a reputation in this body of being able to work in a bipartisan fashion with the speaker, with the gentleman from Ohio (Mr. NEY) with whom I worked as ranking member on the Committee on House Administration, with the gentleman from Missouri (Mr. BLUNT), and with others.

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And, yes, Mr. Leader, with you on some very issues of great importance to this institution. And I continue to be in that posture, but, yes, we do see it differently. The leader got, at 10 p.m. last night, the opportunity to review this in a meaningful way.

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

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

Mr. DELAY. Mr. Speaker, that is exactly when I got it, too.

Mr. HOYER. Mr. Speaker, this was of great import. Every speaker that came to the floor expressed outrage, expressed deep concern about what this had done and the impact it would have on America and our image abroad but, more importantly than our image, on our ability to continue to lead on issues of freedom and justice and human rights throughout the world. At 10 p.m., whether it was same time he got it or not, I would suggest to the leader is not a time frame in which we can thoughtfully try to reach a bipartisan agreement.

We do not expect nor do we ask for you to accept without question our position or our changes. But we do expect to have the opportunity to discuss them. I did not have an opportunity to discuss it with you, the gentleman from Missouri (Mr. BLUNT), or the gentleman from California (Mr. HUNTER). I saw the resolution at 9 a.m. this morning. I had no ability to put input nor did others. And the gentleman from Missouri (Mr. SKELTON), I think, is on the floor and I would be glad to yield to him if he would want to make a comment.

If not, in my discussions with the gentleman from Missouri (Mr. SKELTON), he believes there was not the full opportunity that he would have liked to have considered in a bipartisan fashion. And that committee, as you well know, and that gentleman from Missouri has been one of the most bipartisan Members of the House.

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

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

Mr. DELAY. Mr. Speaker, I do not quite understand that because the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) wrote the draft. It was done by late yesterday afternoon. It was sent to the legislative counsel. The entire draft was done, their agreed-to draft, both the Democrat ranking member, Republican chairman putting together a draft, coming together, and having done that, then it was vetted with the leadership. How much time does one need?

After they finish writing the draft, do they sit around and wait? For what? The two gentlemen that were charged with writing the resolution came together, wrote a resolution that they both put their name on and had agreed to; then it was given to the leadership

staff and the leaders, and then that is when the leader wanted to eliminate two clauses and insert another clause. We agreed to eliminate the two clauses. We did not agree to insert the third clause, and that is when negotiation and bipartisanship, which, by the way, that only 50 voted against the resolution, broke down.

Evidently 365 Members thought it was a very well-crafted bipartisan effort.

Mr. HOYER. Mr. Speaker, reclaiming my time, I have been in a position where I was one of four voting against something if I thought it was appropriate to do. So he can keep saying there were only 50 as long he wants. There should have been zero. His side believes that and our side believes that. Our side is as deeply committed to supporting the troops as is his side. That is good news of this day. Everyone has expressed that.

It does not serve our purposes further, related to staff here, they did not get a draft from their perspective until after 6 p.m. last night when, as you know, we had adjourned. I was at the Fire Service Caucus with the gentleman from Pennsylvania (Mr. WELDON), with whom I work in lockstep, and have for 13 to 14 years in a bipartisan way. We understand bipartisanship. We have a Fire Service bill on this floor totally bipartisan.

So I understand bipartisanship, Mr. Speaker. It does not serve our purpose to further discuss procedures. I agree on that. We have a different view. But what it does serve our purposes for is trying to come together not in a way that will divide the House, but in a way that will bring the House together. That, I believe, is the best interest of our country. I would hope we could do that, and I will work with the gentleman to accomplish that objective, and I presume he will work with me as well.

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

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

Mr. DELAY. Mr. Speaker, I would be glad to work with the gentleman because the gentleman has shown good faith in trying to work in a bipartisan way.

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

ADJOURNMENT TO MONDAY, MAY 10, 2004, AND HOUR OF MEETING ON TUESDAY, MAY 11, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 10, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 11, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). 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.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 627, the resolution just agreed to.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, yesterday, the President's Secretary of Health and Human Services, Secretary Thompson, who has previously said he will not allow the reimportation of less expensive FDA-approved drugs from Canada or any other country, deeming them unsafe, of course his assistant secretary, Mr. Hubbard, when questioned before a congressional committee, could not document one single instance of safety problems with Canadian drugs, yet can document thousands of problems with the supply chain here in the United States because of a virtually uncontrolled wholesale drug market.

So it really is not the issue of safety. It is the issue of the profitability of the pharmaceutical industry. They make their profits all in the United States, and that allows them to sell drugs very cheaply in other countries, and they say that is necessary to protect their investment in new technologies and new drugs.

I certainly want to see new drugs and new technologies developed, but why should Americans only pay for those investments? And that is the system they are attempting to perpetuate, and there is also of course the issue that it is only recently that the pharmaceutical industry has been allowed to advertise on television and now they are spending upwards of 6, \$7 billion a year on promotion, which of course drives up the cost of drugs, and I am