

or before September 30, 2003, and for other purposes.

The message also announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1066. An act to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System.

S. 1643. An act to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968.

S. 1663. An act to replace certain Coastal Barrier Resources System maps.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, at this time I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule for next week and, perhaps, the coming weeks.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Wednesday of next week at 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 the Members' offices by the end of today. Any votes called on these measures will be rolled until 6:30 p.m.

On Thursday the House will convene at 10 a.m. for legislative business. We plan to consider the conference report on H.R. 6, the Energy Policy Act of 2003, and the conference report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004.

Now for the following week, the week of November 17, we expect our first votes to occur after 6:30 p.m. on Monday. We will confirm this schedule early next week as we get a better sense of the workload and timing for completion of the various conference reports. But Members should know that there is a good chance that we would be in session through Saturday, November 22.

Mr. Speaker, I thank the gentleman for yielding, and I will be glad to answer any questions.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am not sure by the announcement regarding next week's schedule. Is it the gentleman's expectation that we will be in next Friday or not?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I do not anticipate being in next Friday.

Mr. HOYER. All right. So we will be off Friday. Now, is the gentleman pretty definite on the following Monday that we will be in at 6:30 as opposed to the normal Tuesday?

Mr. DELAY. Mr. Speaker, as definite as one can be. But as I mentioned, we will evaluate the workload for that week. If at all possible, we could probably start on Tuesday. But I think Members need to plan that we could very well have votes on Monday night.

Mr. HOYER. Mr. Speaker, I thank the majority leader. Last week we passed a continuing resolution until November 21. The gentleman did not indicate in his discussion of the schedule for the next 2 weeks the balance of appropriations bills that are pending, nor did he mention an omnibus appropriation bill. Can he clarify and give us his best thinking at this point in time as to where we are on the CR for November 21 and being able to leave on November 21? I know the gentleman mentioned the possibility of being here on Saturday, November 22. And does the gentleman expect any appropriations bills other than the energy and water, which he did reference would be on the floor either next week or the following week?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, as the gentleman knows, we have five conference reports completed. We have three more bills in conference and one more, agriculture, that we could be able to go to conference on next week. It is my understanding that the Senate may attempt to complete additional bills next week. But at some point I would anticipate that the Senate would ask us to consider several of the remaining bills in a larger package.

When, and if, they do, we will try to do our best to maximize the House's position based on the bills that the House has already passed. The gentleman knows that the House has passed all 13 of the appropriations bills, and I would hope that whatever process is necessary to wrap up these appropriations measures we would be able to complete them by November 21, thereby not requiring another continuing resolution that week. However, if all that falls apart, obviously we would be considering a continuing resolution in that week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information. If that occurs, as the gentleman says may happen, if that occurs, can you give us your current thinking with reference to the date to which a further continuing resolution would be targeted?

Mr. DELAY. I cannot anticipate that right now. Those discussions have not gone on. Actually, people are focused on getting the appropriations process done by November 21.

Mr. HOYER. Reclaiming my time, Mr. Leader, the FSC bill, Foreign Sales Corporations Extraterritorial Income

legislation, you did not mention that. Can you tell me when or if you expect that bill to come to the floor? I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding. We do not intend to consider that, the tax proposal, next week, but would still like for the House to consider it before the end of this session and before the EU has the opportunity to retaliate against American businesses.

Mr. HOYER. Reclaiming my time, we too are concerned about the WTO's finding of noncompliance and the EU's assertion that if we do not act by the end of the year they are going to act. That is a \$4 billion item possible cost to this country.

My understanding is the gentleman from California (Mr. THOMAS) has a bill. As the gentleman knows, there is an alternative available which, I think, frankly enjoys bipartisan support, at least the letters that are being sent around to colleagues would indicate that. In light of the fact that we want to pass legislation, Mr. Leader, can you assure us that the Crane-Rangel-Manzullo alternative would be allowed as a substitute to that piece of legislation to assure that we could, in fact, pass something?

Mr. DELAY. Mr. Speaker, I would anticipate that we would follow regular order and the traditions of the House. And a bill that comes from the Committee on Ways and Means is always tightly held in a rule. I cannot anticipate what the Committee on Rules may write at this particular time, but it has been our tradition in this House that at least one substitute or a motion to recommit, or both, have been allowed on bills that come from the Committee on Ways and Means.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation.

With respect to the Labor-HHS-Education bill, which is the largest appropriation bill, as the gentleman knows, that still is outstanding, do you expect that we will have a freestanding conference report on that bill, or do you expect it to be rolled into an omnibus?

Mr. DELAY. If the gentleman would yield, I hope, and I know, I hope that the Labor-HHS appropriations bill for 2004 would be considered freestanding and on its own. A lot of work has been put into that bill. The conference committee is working as hard as it can to get it out before November 21. And as this House has been working so hard to have all these bills freestanding conference reports so that Members can consider them individually, I would hope that it would be freestanding and the House could vote on it. However, if things fall apart, it could be a candidate for the larger package.

Mr. HOYER. Mr. Speaker, reclaiming my time, as the majority leader knows, there is substantial concern on this side of the aisle in this part of the House that some 206 or more districts, perhaps, will be left out of this bill in terms of consideration for individual

education and/or health projects. I want to express our great concern about that. There has been a lot of discussion about it in the press, a lot of discussion about it on the floor. The gentleman does not necessarily need to comment on it, but I want to emphasize to him the great concern that we have, as two people who have served on the Committee on Appropriations. The majority leader is not on the Committee on Appropriations now, but he has served on that committee. I am not sure he has been on there 2 decades, but a long time. If that occurs, in my memory that would be the first time.

Now, of course when Mr. Natcher was the Chair, there were no specific projects delineated for individual districts listed in that bill. But from the time that that started to be done in the mid-90s, this is the first time that I can recall on this bill or any other bill, that there has been a blanket preclusion of over 200 districts from participation in the investments made in those bills in the welfare of the American people. So I want to express that. The gentleman does not need to respond to that. I will yield to him if he wants to make a comment. He does not need to respond, but I want to reiterate that.

Mr. Leader, on the conference report on energy, I also want to ask you about the labor-health because of the magnitude of these bills.

□ 1230

The energy bill, obviously, is a major piece of legislation, an important piece of legislation. For the past several weeks you and I have been talking about conferences. You indicated this bill is coming to the floor. I again bring to your attention, Mr. Leader, that our Members appointed by the Speaker to the conference have no knowledge of a meaningful conference having been held on this bill. They do not have any meaningful knowledge of what might be in the bill.

That is true as well, I will tell the leader, of the labor-health bill. I am a conferee on the labor-health bill. I have received no notices of meetings. I have attended no meetings. I have learned of no meetings with respect to that bill. The lack of the ability of Democrats to participate in these conferences, again, I tell the leader from my perspective, is unprecedented. It is certainly not unprecedented when Members meet with them. One side of the aisle would talk about their strategies, their priorities, their objectives. But, historically, when conferences have met, both sides have been invited to attend. There has been discussion about issues.

The energy bill which is contemplated to come to this floor next week, I tell the gentleman, our side does not perceive that has happened. They have not participated. And I know that there has been a pledge that the conferees will at least, even though they are not participating, not invited,

not able to articulate their view, will at least get 48 hours receipt of the conference report for the opportunity to review it for 2 days before it comes to the floor.

I ask the leader in the case of the energy bill, will that be the policy on this side of the aisle and, therefore, if the energy bill is coming on Wednesday or Thursday, will the conferees receive at least a copy of the conference report no later than Monday?

Mr. DELAY. After consulting with the gentleman from Louisiana (Mr. TAUZIN), I am confident that the House will be able to take up this conference report next week; and if we go forward with that schedule, I can assure the gentleman that the language of the conference report will be circulated sometime on Monday so that the conferees will have the opportunity to review it before the conference committee completes its business.

This schedule should also allow plenty of time for all Members of the House to review the conference report before it is scheduled. As the gentleman also knows, the conference is a long time coming. There was a full conference formal meeting on September 5. All Members were invited and I think all Members attended. But I would like to point out to the gentleman, Mr. Speaker, that in House committees alone there have been 80 public hearings, 11 markups and 224 amendments considered on this bill. And since 2001 the House has dedicated 5 legislative days to debating the energy bill on the floor with 39 amendments considered.

Since 2002, the energy conferees have held nine public meetings to debate the comprehensive national energy bill for a total of 24 hours and 47 minutes. And in 2003 alone, Republican and Democratic energy conference staff have met no less than 10 times for more than 48 hours of discussions. And, ultimately, the decision on whether or not there will be additional conference committees does not lie in the House because the Senate is chairing the conference. And should there be an additional meeting, I can assure the gentleman that all the Members on the House side of that conference will be invited to attend.

Mr. HOYER. Reclaiming my time, the key phrase there, Mr. Leader, is should a conference be required. You are having meetings. We know that. You are having discussions. We know that. I reiterate again, notwithstanding all your numbers there, the Democrats are not included.

I will tell the gentleman further, as he knows, that in the other body the bill that passed the Senate was the Senate-passed bill from last year. Senator DOMENICI, who is one of the conferees on the floor, said we are going to substantially rewrite this bill in conference. So the debate on the floor seemed somewhat irrelevant. It was a device to get them to conference.

So this conference, more than some others where real bills were passed in

both Houses, is a very important venue for the formulation of policy. Democrats are not being given access to those considerations in a full manner. But I am pleased, Mr. Leader, that 48 hours prior to the conference meeting, that we will be getting, whenever that may occur, that we will be getting a copy of the marked up proposal so that we can consider that, digest it, and bring our views to the conference.

I assume, Mr. Leader, that that conference will be unlike the FAA conference to which this body recommitted a bill, which never met as the gentleman from Florida (Mr. MICA) pointed out on the floor, it never met, and as the gentleman from California (Mr. DREIER) has lamented and, as a result, you have to waive the rules.

Mr. Leader, with respect to Medicare, we are in the same position. Do you expect the Medicare prescription drug bill to be on the floor any time in the next 2 weeks?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. This is a very complicated bill. It is very extensive. It has taken hours, hundreds of hours of work on staff and Members' parts. The gentleman from California (Mr. THOMAS) is trying to put together a proposal that he can submit to the conference committee. Various Members from both sides of the aisle and both sides of the Capitol have been offering him input on this proposal. And based on my conversations with the chairman, his proposal could come very soon, or at least in the next 2 weeks. But I cannot predict for certain when the conference committee will meet to consider this proposal or when the House will vote on the Medicare conference report.

I am aware of the anxieties many of the Members feel about the progress of the Medicare legislation, but the gentleman from California (Mr. THOMAS), chairman of the conference, is working with all of the Members who want to improve the bill in order to craft a final product he can present to all the conferees.

We know how important this legislation is to the credibility of this body and to the well-being of American seniors for years to come. So I am sure that you would understand the need not to hurry in this process. And so, that said, the gentleman from California (Mr. THOMAS) is very close to completing years of work that have been put into this bill and has assured the leadership that he will have a proposal to present to all conferees in the very near future.

Mr. HOYER. I thank the gentleman for his observation; but, Mr. Leader, let me say something. Really what you just said is the gentleman from California (Mr. THOMAS) is meeting with all those who seek to improve the legislation. Improvement, of course, is in the eye of the beholder. There are 435 Members elected to this House, Mr. Leader, as we all know. Their perspective on what improves or harms legislation differs, sometimes very substantially. But

our Founding Fathers, Mr. Leader, formed a House representing a diverse American public, from many regions of this country, many areas of every State. Every State has differences within that State. My State does. Your State does.

To say that the gentleman from California (Mr. THOMAS) is only going to talk to those that he perceives as interested in improving that legislation is to say that a bill that passed this House by one vote after the roll was kept open for some 45 minutes is to say that at least half of this House will be excluded.

Mr. Leader, that is not in my opinion and in the opinion of this side of the aisle, and I believe in the opinion of the American people, the way they expect this House to run. It is not the gentleman from California's (Mr. THOMAS) view of what improves or does not improve this bill that counts. It is each of us who are elected to represent our constituents and put on the table the alternatives we believe improve that bill. They ought to be considered. We do not believe that is being done, Mr. Leader.

Mr. DELAY. If the gentleman will yield, I just have to say to the gentleman, I know the gentleman is trying to change the process of the House. We are not operating any differently than this House has always operated.

Every Member that wants to have input on this bill can find ways to have input. It has been expressed time and time again by the leadership on your side of the aisle and others that they do not want this bill. They want a different kind of bill and a different approach.

You have had that opportunity in presenting that approach and in presenting an alternative and a substitute for the will of the House, and the gentleman made a grand attempt to do that. He failed. He did not have the votes to do it.

In that process we went to conference committee. Those Members that are willing to work with, instead of obstruct, the process of getting a Medicare bill to this floor have been consulted on both sides of the aisle by many different people, not just the chairman of the conference committee. So the process is open and available to those who are willing to work with us and be constructive and productive in getting a bill so that the House can vote on it. That is the way this place works. It is the way it has always worked.

Mr. HOYER. Reclaiming my time, Mr. Leader, you and I may have a different perspective obviously. You recall, as I have discussed in the past, the Patients' Bill of Rights. Everybody was for the Patients' Bill of Rights. In fact, in the 106th Congress, as the leader will well recognize, when he was the whip and responsible for counting votes, the Patients' Bill of Rights passed this House with over 250 votes of people who saw it in a way that ought to pass, ought to be the law of the land.

As you will recall, the Speaker appointed eight out of the nine Republican conferees who had opposed the bill. Now, maybe that is the way the House in your recollection has always worked where 250 people vote for something. It never came out of conference, not surprisingly, when you had eight out of nine of the Republican conferees in the majority that opposed the bill that were in the conference. So apparently if it is on your side of the aisle and you oppose something, locking it up in conference is okay. If you are on our side of the aisle and you want to see a Patients' Bill of Rights or you want to see a Medicare prescription bill and you want to see a prescription drug bill that does not eliminate Medicare, that provides for affordable and accessible health care at a price that can be afforded by all of our seniors, then somehow you are perceived as not wanting to improve the bill and, therefore, is not worth being included.

As you know, the gentleman from New York (Mr. RANGEL), one of the senior Members of this House, the gentleman from California (Mr. THOMAS) tried to have arrested not too long ago and thrown out of the Committee on Ways and Means by the Capitol Police.

You will recall that the gentleman from New York (Mr. RANGEL) has now gone to where the conferees, theoretically, were meeting and was asked to leave. The gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means, one of the seniors.

Now, I will remind the chairman that Mr. Rostenkowski chaired this committee and invariably made sure that Republicans were, in fact, included, and invariably when bills came to the floor, he had Republicans supporting those bills and they worked with him. And you will recall that he worked with the President of the United States when we were in the majority to pass the 1986 tax bill. So that may be your recollection, Mr. Leader, of how the House runs.

Mr. DELAY. If the gentleman will yield, my recollection is completely different than yours.

I can remember serving in the minority, too, and having the same frustrations that you have had. It is part of the frustrations of being in the minority.

As the gentleman understands, we are not operating in this regard any differently than the gentleman operated when you were in the majority. You work with people that want to get a bill. You do not waste a lot of time with people that do not want a bill. And then you give everybody the opportunity through the Rules of the House to participate either in the full committee, formal conference committee meetings or here on the floor of the House, and certainly ultimately expressing themselves with their vote.

Mr. HOYER. Reclaiming my time, I agree with the leader. We disagree. Our recollections are not the same. Our experiences are not the same.

Now, I have been here a little longer than the leader, but we have both been here a long time, and when we were in charge you complained as well. Therefore, you can empathize, as you say, with the pain that we feel in the minority.

□ 1245

But it is not the pain that we feel is so important, we want a bill. We may want a slightly different kind of bill than we think that the majority will report out on prescription drugs, but we want a bill. And the people who supported us want a bill, and they may want a bill that is slightly different; and democracy works when all sit down together and discuss their perspectives and try to forge a bill which accomplishes their objective. I do not think we are doing that. I lament that, and I do not think it is in the best interests of the American people.

Mr. Speaker, it is not in the quality of legislation that both the gentleman from Texas and I want to pass, even if we see that quality somewhat differently. I thank the gentleman for the information he has given us.

ADJOURNMENT TO MONDAY,
NOVEMBER 10, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, November 10, 2003.

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

There was no objection.

ADJOURNMENT FROM MONDAY,
NOVEMBER 10, 2003 TO WEDNESDAY,
NOVEMBER 12, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 10, 2003, it adjourn to meet at 2 p.m. on Wednesday, November 12, 2003.

The SPEAKER pro tempore. 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.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 108TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the