

Blunt	Graves	Oxley
Boehler	Green (WI)	Paul
Boehmer	Greenwood	Pearce
Bonilla	Gutknecht	Pence
Bonner	Harris	Peterson (PA)
Bono	Hart	Petri
Boozman	Hastings (WA)	Pickering
Bradley (NH)	Hayes	Pitts
Brady (TX)	Hayworth	Platts
Brown (SC)	Hefley	Pombo
Brown-Waite,	Hensarling	Porter
Ginny	Hobson	Portman
Burgess	Hostettler	Pryce (OH)
Burns	Houghton	Putnam
Burr	Hulshof	Quinn
Buyer	Hunter	Radanovich
Calvert	Hyde	Ramstad
Cannon	Isakson	Regula
Cantor	Issa	Rehberg
Capito	Istook	Renzi
Carter	Janklow	Reynolds
Castle	Jenkins	Rogers (AL)
Chabot	Johnson (CT)	Rogers (KY)
Chocola	Johnson (IL)	Rogers (MI)
Coble	Johnson, Sam	Rohrabacher
Cole	Jones (NC)	Royce
Collins	Keller	Ryan (WI)
Cox	Kennedy (MN)	Ryun (KS)
Crane	King (IA)	Saxton
Crenshaw	King (NY)	Schroek
Culberson	Kingston	Sensenbrenner
Cunningham	Kirk	Sessions
Davis, Jo Ann	Klme	Shadegg
Davis, Tom	Knollenberg	Shays
Deal (GA)	Kolbe	Sherwood
DeLay	LaHood	Shimkus
DeMint	Latham	Shuster
Diaz-Balart, L.	LaTourette	Simmons
Diaz-Balart, M.	Lewis (KY)	Simpson
Doolittle	Linder	Smith (NJ)
Dreier	LoBiondo	Souder
Duncan	Lucas (OK)	Stearns
Dunn	Manzullo	Sullivan
Emerson	McCotter	Sweeney
English	McCrery	Tancredo
Everett	McHugh	Tauzin
Feeney	McInnis	Taylor (NC)
Ferguson	McKeon	Terry
Flake	Mica	Thomas
Fletcher	Miller (FL)	Thornberry
Foley	Miller (MI)	Tiberi
Forbes	Miller, Gary	Toomey
Fossella	Moran (KS)	Turner (OH)
Franks (AZ)	Murphy	Upton
Frelinghuysen	Musgrave	Vitter
Garrett (NJ)	Myrick	Walden (OR)
Gerlach	Nethercutt	Walsh
Gibbons	Ney	Wamp
Gilchrest	Northup	Weldon (FL)
Gillmor	Norwood	Weller
Gingrey	Nunes	Whitfield
Goode	Nussle	Wicker
Goodlatte	Osborne	Wolf
Goss	Ose	Young (AK)
Granger	Otter	Young (FL)

NOT VOTING—25

Becerra	Hastings (FL)	Smith (MI)
Burton (IN)	Herger	Smith (TX)
Camp	Hoekstra	Tiahrt
Combest	Johnson, E.B.	Towns
Conyers	Kaptur	Weldon (PA)
Cubin	Lewis (CA)	Wilson (NM)
Ehlers	Olver	Wilson (SC)
Gallely	Ros-Lehtinen	
Gephardt	Shaw	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would advise Members that there are 2 minutes remaining on this vote.

□ 1324

Messrs. KINGSTON, TAUZIN, BARTON of Texas, SAXTON, KING of New York, and Mrs. BONO and Mrs. NORTHUP changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I was unable to vote on rollcall No. 17, motion to go to conference on House Joint Resolution 2, because I am still recovering from surgery. Had I been present, I would have voted "yea" on rollcall No. 17.

Mr. BECERRA. Mr. Speaker, on Wednesday, January 29, 2003, I was unavoidably detained, and therefore unable to cast my floor vote on rollcall No. 17, the Motion to Instruct Conferees on H.J. Res. 2.

Had I been present for the vote, I would have voted "yea" on rollcall vote 17.

Stated against:

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall No. 17 I was unavoidably detained as my pager did not work.

Had I been present, I would have voted "nay."

Mr. TIAHRT. Mr. Speaker, on rollcall No. 17 I was unavoidably detained and missed the vote.

Had I been here I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. YOUNG of Florida, REGULA, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKEY, Mrs. LOWEY, Mr. SERRANO and Mr. MORAN of Virginia.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, in light of the fact that both of us are brand new in this job and this is the first time we are doing this, I want the gentleman from Texas (Mr. DELAY) to know that I am pleased to yield to him today and will be pleased to yield to him in days to come. I want him to stay leader; I would just like to change the designation, the adjective, but I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me, and I appreciate his interest in changing my title, but that will not happen for another 2 years, at least.

Before I discuss next week's schedule, I would like to note for the gentleman and other Members of the House a very significant historical event that took place in the House of Representatives during this week back in 1815. Mr. Speaker, the Library of Congress was established back in 1800, and the Library was housed here in the Capitol, as many of us know, until 1814 when the British troops set fire to the building and destroyed most of the books in our collection. Retired President Thomas Jefferson graciously offered his personal library from Monticello as a replacement, and Congress purchased the library 188 years ago today for the sum of \$23,950.

Now, after the job he did in the Louisiana Purchase, one would have

thought Mr. JEFFERSON would have negotiated a little higher price from us, but, in any case, it was a great deal for America and a gracious gesture for our great champion of ideas.

Mr. Speaker, if the gentleman would continue to yield, the House will convene on Tuesday in pro forma session. On Wednesday we hope to consider the conference report on H. Res. 2, which will finish up the 2003 appropriations process. However, if the conference report is not ready for floor consideration, the House will need to consider another continuing resolution on Wednesday.

In addition, we may consider some measure under suspension of the rules. A list will be provided to all offices by Monday evening. There will be no votes in the House before 6:30 p.m. on Wednesday, and on Thursday we expect to consider H.R. 395, the Do Not Call Implementation Act, to restrain rampant telemarketers, and finish with legislative business for the week by 1 p.m.

□ 1330

Mr. Speaker, I am happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has given to us. I understand we are coming back at 6:30 p.m. on Wednesday and leaving no later than 1 p.m. on Thursday. I know the gentleman's party has its retreat. Ours is this week, as the gentleman knows.

I would ask the leader, Mr. Speaker, he indicates that the conference committee report may come back on Wednesday. If that is the case, does the gentleman have any information as to when the conference might meet?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, parties, both in the minority and the majority in both Houses, are speaking and talking to each other as we meet. Obviously, the chairman of the Committee on Appropriations in the House and the chairman in the Senate will do their own scheduling when the formal conference would be held.

We are hoping that, working with the minority and the ranking Members of both Houses, and working hard through the weekend, as hard as they can, that they will come to some sort of resolution next week. That is the schedule that the House would like to see happen; but we know, as all these things happen, it could leak and we would have to do another continuing resolution for another week. Hopefully, by then all the work would be done.

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

Assuming that the conference report would be offered on Wednesday, assuming that work gets done, can the leader give us any information on the kind of rule under which that conference report would be considered? And I say that, Mr. Speaker, to the leader in the context that most members of the Committee on Appropriations, not to mention most Members of the House,

have not had the opportunity to see exactly what is in the bill. I think we just got the papers yesterday, so there has not been much consideration.

As the chairman, I am sure, knows, there will be a desire on, I am sure, both sides of the aisle, perhaps, to offer some legislative proposals to the conference committee report if they are made in order. Can the gentleman enlighten us as to what kind of rule the conference committee report might be considered under?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, the gentleman, as well as this gentleman, having served on the Committee on Appropriations, understands that this is a very unusual process that we are going through. In fact, I do not think we have gone through this process anytime that I have served on the Committee on Appropriations, so we are sort of feeling our way trying to get the appropriations done.

I remind the gentleman that the Committee on Appropriations in the House passed out every one of the 13 bills out of committee, so we do have something to look at as to what at least the committee had done in the House; and they are trying to reconcile that with what the Senate did or what the other body did.

As far as bringing it back, it is the tradition of this House and has been the tradition of this House to bring back a conference report on an appropriations bill under a closed rule. To be honest, I do not know that we would want to change that.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. Let me make a couple of comments.

First of all, the gentleman is almost right; we did 11 of the 13 bills. But the second largest bill, of course, as the gentleman knows, on discretionary spending, not only did we not do it, but it was not considered in subcommittee, much less in full committee, the Labor-Health bill, which is, of course, itself over \$125 billion in discretionary spending, and somewhere approximately \$300 billion, when we include the mandatory spending within that bill, as the gentleman recalls.

But as the gentleman makes the point, this is the most unusual procedure for the appropriations process that I have seen in my 20 years on the committee. It is the least involvement, I think, that members of the Committee on Appropriations in the House have had on the product that now is being sent to us by the Senate.

I know that the gentleman from Ohio (Mr. REGULA) on the Labor-Health bill introduced 2 days ago a Labor-Health alternative, which presumably will be used as a basis for that title of the bill to be conferenced. However, Mr. Speaker, I would say to the gentleman, I would very much hope that in light of the extraordinarily unusual circumstances under which this appropriation bill is being considered, essentially emanating from the Senate,

which obviously from the House position is not what we want to see as normal practice, that the majority would very seriously consider, in the interests of democracy in this House, with a small "d," and in the interest of full debate on the priorities we are going to set forth in this bill that deals with over \$360 billion of discretionary spending, to have a rule that is not traditional, because we are not dealing with a traditional process.

I would hope that the leader, in discussions with the Speaker, with the majority whip, and with the gentleman from Florida (Mr. YOUNG), as well as the gentleman from California (Mr. DREIER), would consider a process which would allow Members to have a greater opportunity to express their views on this particular bill.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding again. The gentleman is correct in correcting me, that we only did 11 bills out of the committee. I do remind the gentleman that the chairman introduced a Labor-HHS bill, and it is my information that that is what they are working from.

Secondly, I would say that the conference committee as named has 12 Republicans and 10 Democrats on it, so the minority is very well represented on the conference committee, and will be, obviously, consulted and worked with in as open a manner as possible.

I would also point out the fact that conference reports are privileged resolutions, and it would be highly unusual for us to change the precedent and the rules governing privileged resolutions. So we are trying the best we can to accommodate any Member that is interested in what is going on in that conference, whether they be Democrat or Republican, by opening up the process as much as possible and having a process that Members can plug into so that their voices can be heard in the consideration of the conference.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I understand what the gentleman has said; but I am sure the gentleman also understands our consternation, because we are going on a retreat for 2 days. We are leaving here tomorrow morning. I ask the gentleman when the conference is going to occur. We really do not know when the conference is going to occur.

As the gentleman knows, like himself, I am a ranking member on the Committee on Appropriations. I have received no notice of a scheduled conference on this particular piece of legislation. I am one of the higher-ranking Members in the House. Therefore, I would think the gentleman and I would have access; but the more junior members of the Committee on Appropriations and those who do not serve on the Committee on Appropriations, while theoretically having some access to a conference, if the conference is never held, if there is no scheduled meeting, if they have no opportunity to participate in those deliberations, it is very difficult for them, short of acting on the floor, to consider this legislation.

So I would simply ask of the leader, Mr. Speaker, again in light of the extraordinarily unusual process that has been pursued over the last 12 months in dealing with the appropriation bills, and the fact that we did not bring the Labor-Health, one of the largest bills that our committee considers, to the floor or to full committee or to subcommittee for consideration, and yes, the chairman introduced a bill, but it was introduced by the chairman alone; it was not cosponsored by anybody else. That did not give us much input.

I will not belabor this point further, but I would hope and ask my colleagues, in light of the fact that this is the first substantive piece of legislation that we are going to consider, that it be considered with an opportunity for those of us who represent somewhere in the neighborhood of 49 percent of the people of the United States to have their voice heard meaningfully in the deliberations.

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, the gentleman makes a very good point. We want to be fair to all concerned. We want to have this as open a process as we possibly can make it.

I just want the Members of this body to know that we just received the paper from the other body last night, so it is going to take probably the entire time of the gentleman's retreat for the staff to go through that paper and get it ready for Members' consideration. Obviously, the Members that are interested in having an impact on this conference will probably have an opportunity, or I know they will have an opportunity, starting Sunday or Monday, to have input into that process. I offer to the gentleman that if anybody feels that they have been shut out of the process, our office is open and we are more than willing to work with them.

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

ADJOURNMENT TO FRIDAY, JANUARY 31, 2003; AND ADJOURNMENT FROM FRIDAY, JANUARY 31, 2003, TO TUESDAY, FEBRUARY 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, January 31, 2003; and further, that when the House adjourns on Friday, January 31, 2003, it adjourn to meet at 4 p.m. on Tuesday, February 4, 2003.

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

There was no objection.

INTRODUCTION OF INSTRUCTIONAL MATERIALS ACCESSIBILITY ACT

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