

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Obey motion to instruct conferees on the Labor-HHS Appropriations bill.

The Bush administration continues to have a failing record on supporting our nation's working families. Instead of giving workers a leg up, the administration continues to hold working Americans down. By altering overtime regulations this administration is cutting the pay for as many as 8 million workers. Among those workers are those critical to the safety of our communities: firefighters, police officers and nurses.

In these hard economic times, workers need all the help they can get to support their families and their homes. Instead of working to create jobs, this administration is working to undermine the jobs that already exist. By taking away overtime pay, they would be removing income that many of these already underpaid workers have come to rely on to make ends meet.

That's why I support the Obey motion to instruct because it will prevent the Department of Labor from issuing any regulations that take away overtime protection from workers who already qualify.

Mr. Speaker, we must show our nation's working families that we support them instead of taking away their hard earned dollars. I urge my colleagues to support the Obey motion to instruct.

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

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 2660 will be followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 11, as follows:

[Roll No. 531]

YEAS—221

Abercrombie	Bishop (NY)	Carson (OK)
Ackerman	Blumenauer	Case
Alexander	Boehlert	Clay
Allen	Boswell	Clyburn
Andrews	Boucher	Conyers
Baca	Boyd	Cooper
Baird	Brady (PA)	Costello
Baldwin	Brown (OH)	Cramer
Ballance	Brown, Corrine	Crowley
Becerra	Capito	Cummings
Bell	Capps	Davis (AL)
Berkley	Capuano	Davis (CA)
Berman	Cardin	Davis (FL)
Berry	Cardoza	Davis (IL)
Bishop (GA)	Carson (IN)	Davis (TN)

DeFazio	Larsen (WA)	Quinn	Kline	Pence	Shimkus
DeGette	Larson (CT)	Rahall	Knollenberg	Peterson (PA)	Shuster
Delahunt	LaTourrette	Rangel	Kolbe	Petri	Simmons
DeLauro	Leach	Reyes	LaHood	Pickering	Simpson
Deutsch	Lee	Rodriguez	Latham	Pitts	Smith (MI)
Dicks	Levin	Ross	Lewis (CA)	Platts	Smith (TX)
Dingell	Lewis (GA)	Rothman	Lewis (KY)	Pombo	Souder
Doggett	Lipinski	Roybal-Allard	Linder	Porter	Stearns
Doyle	LoBiondo	Ruppersberger	Lucas (OK)	Portman	Stenholm
Edwards	Lofgren	Rush	Manzullo	Pryce (OH)	Sullivan
Emanuel	Lowey	Ryan (OH)	McCrery	Putnam	Tancredo
Engel	Lucas (KY)	Sanchez, Linda	McInnis	Radanovich	Tauzin
Etheridge	Lynch	T.	McKeon	Ramstad	Taylor (NC)
Farr	Majette	Sanchez, Loretta	Mica	Regula	Terry
Fattah	Maloney	Sanders	Miller (FL)	Rehberg	Thomas
Ferguson	Markey	Sandlin	Miller, Gary	Renzi	Thornberry
Filner	Marshall	Schakowsky	Moran (KS)	Reynolds	Tiberi
Ford	Matheson	Schiff	Musgrave	Rogers (AL)	Toomey
Frank (MA)	Matsui	Scott (GA)	Myrick	Rogers (KY)	Turner (OH)
Frost	McCarthy (MO)	Scott (VA)	Nethercutt	Rogers (MI)	Vitter
Gephardt	McCarthy (NY)	Serrano	Neugebauer	Rohrabacher	Walden (OR)
Gonzalez	McCollum	Shays	Ney	Ros-Lehtinen	Wamp
Gordon	McCotter	Sherman	Northup	Royce	Weldon (FL)
Green (TX)	McDermott	Skelton	Norwood	Ryan (WI)	Weldon (PA)
Grijalva	McGovern	Slaughter	Nunes	Ryun (KS)	Weller
Gutierrez	McHugh	Smith (NJ)	Osborne	Schrock	Whitfield
Harman	McIntyre	Smith (WA)	Ose	Sensenbrenner	Wicker
Hastings (FL)	McNulty	Snyder	Otter	Sessions	Wilson (NM)
Hill	Meehan	Solis	Oxley	Shadegg	Wilson (SC)
Hinchee	MEEK (FL)	Spratt	Paul	Shaw	Wolf
Hinojosa	MEEKS (NY)	Stark	Pearce	Sherwood	Young (FL)
Hoefel	Menendez	Strickland			
Holden	Michaud	Stupak			
Holt	Millender-	Sweeney			
Honda	McDonald	Tanner			
Hooley (OR)	Miller (MI)	Tauscher			
Hoyer	Miller (NC)	Taylor (MS)			
Inslee	Miller, George	Thompson (CA)			
Israel	Mollohan	Thompson (MS)			
Jackson (IL)	Moore	Tiahrt			
Jackson-Lee	Moran (VA)	Tierney			
(TX)	Murphy	Towns			
Jefferson	Murtha	Turner (TX)			
John	Nadler	Udall (CO)			
Johnson (IL)	Napolitano	Udall (NM)			
Johnson, E. B.	Neal (MA)	Upton			
Jones (OH)	Nussle	Van Hollen			
Kanjorski	Oberstar	Velazquez			
Kaptur	Obey	Visclosky			
Kelly	Olver	Waters			
Kennedy (RI)	Ortiz	Watson			
Kildee	Owens	Watt			
Kilpatrick	Pallone	Waxman			
Kind	Pascrell	Weiner			
King (NY)	Pastor	Wexler			
Klecicka	Payne	Woolsey			
Kucinich	Pelosi	Wu			
Lampson	Peterson (MN)	Wynn			
Langevin	Pomeroy	Young (AK)			
Lantos	Price (NC)				

NAYS—203

Aderholt	Chocola	Gingrey
Akin	Coble	Goode
Bachus	Cole	Goodlatte
Baker	Collins	Goss
Ballenger	Cox	Granger
Barrett (SC)	Crane	Graves
Bartlett (MD)	Crenshaw	Green (WI)
Barton (TX)	Cubin	Greenwood
Bass	Culberson	Gutknecht
Beauprez	Cunningham	Hall
Bereuter	Davis, Jo Ann	Harris
Biggett	Davis, Tom	Hart
Bilirakis	Deal (GA)	Hastert
Bishop (UT)	DeLay	Hastings (WA)
Blackburn	DeMint	Hayes
Blunt	Diaz-Balart, L.	Hayworth
Boehner	Diaz-Balart, M.	Hefley
Bonilla	Doolittle	Hensarling
Bonner	Duncan	Herger
Bono	Dunn	Hobson
Boozman	Ehlers	Hoekstra
Bradley (NH)	Emerson	Hostettler
Brown (SC)	English	Houghton
Brown-Waite,	Everett	Hulshof
Ginny	Feeney	Hunter
Burgess	Flake	Isakson
Burns	Foley	Istook
Burr	Forbes	Janklow
Burton (IN)	Fossella	Jenkins
Buyer	Franks (AZ)	Johnson (CT)
Calvert	Frelinghuysen	Johnson, Sam
Camp	Gallely	Jones (NC)
Cannon	Garrett (NJ)	Keller
Cantor	Gerlach	Kennedy (MN)
Carter	Gibbons	King (IA)
Castle	Gilchrest	Kingston
Chabot	Gillmor	Kirk

Brady (TX)	Evans	Sabo
Dooley (CA)	Fletcher	Saxton
Dreier	Hyde	Walsh
Eshoo	Issa	

NOT VOTING—11

□ 1437

Mr. SOUDER changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule 1, the Journal stands approved.

APPOINTMENT OF CONFEREES TO H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, SIMPSON, YOUNG of Florida, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the coming week.

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

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

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week. We will take any votes called on the three pending motions to instruct, we will take votes on those next week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules, and any votes called on those measures will be called at 6:30 p.m. on that day.

On Wednesday, the House will meet for legislative business at 10 a.m. In addition to potentially considering additional legislation under suspension of the rules, Members should be aware that we may be considering a number of conference reports. These include, but are not limited to, H.R. 1474, Check Clearing for the 21st Century Act; the Fiscal Year 2004 Military Construction Appropriations bill; the Fiscal Year 2004 Department of the Interior Appropriations bill; the Energy and Water Appropriations bill; and potentially the Labor-HHS and Education Appropriations bill.

Finally, I would like to remind all Members that we do not plan to have votes next Thursday, October 9, or Friday, October 10. I thank the gentleman for yielding, and I would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the majority leader. I appreciate the information the gentleman has given us. Essentially, we will be meeting Tuesday night and Wednesday next week.

The gentleman did not mention the Iraq supplemental, I do not believe. I would like to know because, obviously, that is a matter of great concern to every Member of this body and to the American people, when the gentleman expects to consider that supplemental appropriation on the floor. And additionally, can the gentleman assure Members that we are going to have a full consideration and fair process to consider this bill on the floor, a process that will allow a full debate so that Members will have the ability to address all of their concerns? They may well want to support it, but I think the Congress and the American people want to know exactly what we are doing.

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations has informed me that he plans to proceed with regular order. He also plans under that regular order to circulate the supplemental appropriations bill with committee members on Monday. Then he plans to hold a markup next

Thursday and, assuming things go according to plan, the bill will lay over the requisite number of days, and we should be able to bring it to the floor the following week, the week of October 13, I believe.

□ 1445

Mr. HOYER. Is it the gentleman's expectation now that the bill as reported from the Committee on Rules to the floor will be subject to amendment?

Mr. DELAY. I anticipate that the bill will come to the floor as most appropriations bills do, and there would be pretty much an open rule. Yes, I would suspect so.

Mr. HOYER. Further conference reports from the Committee on Appropriations. The Majority leader mentioned several conference reports that would come up next week or may come up next week. I would note that neither the Medicare prescription drug legislation nor the child tax credit legislation is on that list, but could Members be told which of those that were listed are most likely to come to the floor? I know we have had them on the list a number of times. Does the gentleman have any greater feel for which bills would be most likely to come to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, of those that I listed, the Check Clearing for the 21st Century Act has already been filed, so we know that we will be voting on those. And we have every reason to expect that we have a good possibility of having the military construction and Department of Interior appropriations bills come to the floor. It may be a little more difficult to get Labor HHS to the floor.

As far as Medicare and its conference, the conferees have had formal meetings, meetings with the President, informal meetings in small groups. The conference chairman, the gentleman from California (Mr. THOMAS), is working nonstop to try to reach a final agreement before the end of the first session, which I hope we can conclude by the end of October.

Progress has been made, very good discussions have been held, and the future looks good for actually bringing a conference report on Medicare to the floor.

As far as the child tax credit bill, we are still having problems with the Senate accepting the fact that child tax credits should be a permanent thing and we should not raise taxes on families after a certain period of time. So, until the Senate agrees to that, I think that conference is going to have a very hard time.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand from those last comments, then, the position still is, if we cannot do it permanently we will not do it temporarily.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield. The gentleman from Maryland (Mr. HOYER) is correct. Temporarily means that you

cut taxes for a family and then raise them a year or 2 later, and we think that is incredibly unfair. We think people should not be charged for having children by the government, and it ought to be made a permanent thing.

Child tax credits are something that the American family enjoys. They like having more of their hard-earned money to pay for their children rather than for government, and we are standing with the American family.

Mr. HOYER. Reclaiming my time, I understand what the gentleman is saying about standing with the American families, but the American families, at least the 6 and a half million and 12 million children that we talked about and the 200,000 military families, are not getting relief because, as I understand it, they cannot get permanent relief.

I would suggest to the Majority Leader that we passed a major tax bill that expires in 2010. So by its definition, therefore, it was temporary in nature, and, notwithstanding that fact, we passed it. I would urge the majority to apply the same logic to the child tax credit, to those families making less than \$26,000 in our society, most in need of help, very frankly, as opposed to those of us who are doing much better and some, of course, doing much, much better than we are doing but we are doing well. So I would urge the gentleman to look at that.

With respect to the Medicare conference, we have heard some information on this side that the President and some of the majority conferees have reached an agreement that there is going to be an effort to reach agreement by October 17 in the conference. Is that information accurate?

Mr. DELAY. Mr. Speaker, the information is accurate in the fact that it is a goal that both the House, the Senate and the President have placed on wrapping up the conference on Medicare. Obviously, this is probably the most complicated issue that we have had to deal with in many a year; and there are many different positions by many different Members, both in the House and Senate. So it is a very complicated issue; it is very difficult. People are working very, very hard to meet that goal. And if God is on our side, maybe we will meet the goal.

Mr. HOYER. I do not want to speculate on which side God is on the Medicare prescription drug bill. I have my own perspective, however, I will tell my colleagues.

The gentleman indicated that there are a number of meetings going on of conferees discussing this. And lamentably I want to tell the leader that the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. RANGEL), and the gentleman from Arkansas (Mr. BERRY) are not aware of any meetings that have occurred involving, at least, them; and they are conferees. If we are going to be able to pass this legislation, in my opinion, it will be necessary for us to proceed in a bipartisan way.

Could the gentleman comment on the fact that the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Arkansas (Mr. BERRY) have not been in any of these meetings to which he has referred?

Mr. DELAY. Just any formal meeting of the conference that has been held, the gentlemen he has listed have been invited to those meetings. The other meetings, the informal meetings and group meetings that have been held around the Capitol, the gentleman knows are being held with people that actually want to get a bill.

We are working with those, both Democrats and Republicans, who actually want to get a bill and are serious about negotiating that bill. And it is such a complicated bill. Different parts are being negotiated by different people. The gentleman knows how a conference can work and how difficult it is to hold it together. So to the extent that people want to actually get a bill to the President's desk, they are having great and strong input in the negotiations that are going on.

Mr. HOYER. Reclaiming my time, very seriously I want to tell the gentleman that any implication that the gentleman from Michigan (Mr. DINGELL), who has fought for Medicare and health care legislation longer, harder, than any member on this floor from either party, and whose father preceded him in that fight, is somehow not interested in passing a bill is inaccurate, Mr. Speaker. The gentleman made a mistake if that is his premise. I want to advise him, respectfully, that he is wrong.

I also believe that Mr. BERRY and Mr. RANGEL are extraordinarily interested in passing a bill. Now, their perspective may be different. As far as we know, there have been no conference meetings in the sense of the conferees getting together and discussing differences and trying to iron those differences out in the last 2 months.

Mr. DELAY. There have been formal conference meetings, and the gentlemen that have been outlined have been invited to those meetings.

Mr. HOYER. Mr. Speaker, rather than go back and forth on it at this point in time, I will be glad to ask Mr. DINGELL and Mr. RANGEL when the last meeting was that they were invited to.

Mr. DELAY. Mr. Speaker, I was at the last meeting; and it was last week with the President of the United States.

Mr. HOYER. That was a meeting with the President. I agree with the gentleman. It was not a conference meeting, however. It may have been a meeting with the President.

We hope that we will proceed.

The FAA conference report, we were told that that was going to be on the floor last week and this week. We understood that we would consider it this week. The rule was not brought up. Can the gentleman illuminate for the Members where that bill stands? I know the

previous week we could not find the papers, as I recall. This week we understand the papers have been found, but we did not move ahead on that. Can the Majority Leader tell us why we have not proceeded on that and what he perceives to be the future of the FAA reauthorization bill?

Mr. DELAY. I appreciate the gentleman yielding.

As the gentleman knows, and people should take notice, that FAA activities are currently operating under the short-term continuing resolution that we passed last week. In the meantime, Chairman YOUNG and Chairman MICA are working with their Senate counterparts and the committee members on their conference committees to reach the necessary accommodations so that we can have the reauthorization signed into law before this current C.R. expires. So, work is ongoing. As soon as the agreements are made between the House and the Senate, I think we can proceed.

Mr. HOYER. I thank the gentleman for that information because I know we need to move ahead on that authorization. If the gentleman could answer the question, however, we understand there seems to be a disagreement. However, the House passed a provision that directed that there be no privatization of the air traffic controllers. The Senate passed a provision providing that there should be no privatization of air traffic controllers. But we understand there is a difference in the conference on this issue. Can you explain to me, Mr. Leader, when the House took a position on behalf of insuring on the continued public nature of the air traffic controllers and the Senate took the same position, why there might be a difference on that issue?

Mr. DELAY. Well, I have to admit to the gentleman that I am not privy to the intricate negotiations that are going on in this bill. We are leaving that up to the chairmen that are presiding over the conference committees. So I cannot answer the question because I do not know the machinations that have been going on in detail, and I certainly do not want to mislead the House.

Mr. HOYER. I thank the gentleman for his candor on that. Each of us finds ourselves in that position from time to time. I would urge the gentleman, however, because both Houses have taken the same position on that very critical issue, in my opinion, to the security of our Nation, if you might urge the conferees at least to take that item on which apparently the House and Senate both acted in concert off the table, it might facilitate the movement of the conference.

Mr. DELAY. I will certainly advise Chairman YOUNG and Chairman MICA of the gentleman's concern.

Mr. HOYER. Mr. Speaker, I thank the Majority Leader for the information.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2022

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2022.

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

There was no objection.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003, OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of the House of Representatives with regard to "high-level radioactive waste" as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII the gentleman from Washington (Mr. INSLEE) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I advise other Members we do not intend to take our entire allotted time. We hope to go through this fairly expeditiously.

This is a motion brought to assure that nothing happens in the conference report that could jeopardize completion of our statutorily-mandated mission for the Department of Energy to complete the cleanup of about 100 million gallons of high-level radioactive waste now at various sites in the United States.

□ 1500

As Members know, we have created by an act of 1982, the obligation to complete a cleanup of those wastes that have been created by the Department of Defense activity, and this does refer to waste that is not commercial but rather through the Department of Defense.

In my State, for instance, there are 53 million gallons at Hanford, at Savannah River, there are several million gallons, in New York State, in Idaho, and we need to complete this cleanup. Unfortunately, for a variety of reasons the concern has been expressed that in the conference committee there could be an attempt to essentially give unfettered discretion to the Department of Energy to reclassify this waste, essentially give it a different name, rather than to complete with the certain rigor and completion of the type of cleanup that is now mandated in Federal law.