

Kline	Norwood	Shadegg
Knollenberg	Nunes	Shaw
Kolbe	Nussle	Shays
LaHood	Oberstar	Sherman
Lampson	Obey	Sherwood
Langevin	Olver	Shimkus
Larsen (WA)	Ortiz	Shuster
Larson (CT)	Osborne	Simmons
Latham	Ose	Simpson
LaTourette	Otter	Skelton
Leach	Owens	Slaughter
Lee	Oxley	Smith (MI)
Levin	Pallone	Smith (NJ)
Lewis (CA)	Pascrell	Smith (TX)
Lewis (GA)	Pastor	Smith (WA)
Lewis (KY)	Paul	Snyder
Linder	Payne	Solis
Lipinski	Pearce	Souder
LoBiondo	Pelosi	Spratt
Lofgren	Peterson (MN)	Stark
Lowey	Peterson (PA)	Stearns
Lucas (KY)	Petri	Stenholm
Lucas (OK)	Pickering	Strickland
Lynch	Pitts	Stupak
Majette	Platts	Sullivan
Maloney	Pombo	Sweeney
Markey	Pomeroy	Tancredo
Matheson	Porter	Tanner
Matsui	Portman	Tauscher
McCarthy (MO)	Price (NC)	Tauzin
McCarthy (NY)	Pryce (OH)	Taylor (MS)
McCollum	Putnam	Taylor (NC)
McCotter	Quinn	Terry
McCrery	Radanovich	Thomas
McDermott	Rahall	Thompson (CA)
McGovern	Ramstad	Thompson (MS)
McHugh	Rangel	Thornberry
McInnis	Regula	Tiahrt
McIntyre	Rehberg	Tiberi
McKeon	Renzi	Tierney
McNulty	Reyes	Towns
Meehan	Reynolds	Turner (OH)
Meek (FL)	Rogers (AL)	Turner (TX)
Meeks (NY)	Rogers (KY)	Udall (CO)
Menendez	Rogers (MI)	Udall (NM)
Mica	Rohrabacher	Upton
Michaud	Ros-Lehtinen	Van Hollen
Millender-	Ross	Velázquez
McDonald	Rothman	Visclosky
Miller (FL)	Roybal-Allard	Vitter
Miller (MI)	Royce	Walden (OR)
Miller (NC)	Ruppersberger	Walsh
Miller, Gary	Ryan (OH)	Wamp
Miller, George	Ryan (WI)	Waters
Mollohan	Ryun (KS)	Watson
Moore	Sabo	Watt
Moran (KS)	Sánchez, Linda	Waxman
Moran (VA)	T.	Weiner
Murphy	Sanchez, Loretta	Weldon (FL)
Murtha	Sanders	Weldon (PA)
Musgrave	Sandlin	Wexler
Myrick	Saxton	Wicker
Nadler	Schakowsky	Wilson (NM)
Napolitano	Schiff	Wilson (SC)
Neal (MA)	Schrock	Woolsey
Nethercutt	Scott (GA)	Wu
Neugebauer	Scott (VA)	Wynn
Ney	Sensenbrenner	Young (AK)
Northup	Serrano	Young (FL)

## NOT VOTING—29

Aderholt	Ford	Marshall
Bell	Green (TX)	Pence
Berry	Hinojosa	Rodriguez
Blunt	Hooley (OR)	Rush
Calvert	Houghton	Sessions
Culberson	Isakson	Toomey
Doggett	King (NY)	Weller
Dooley (CA)	Kucinich	Whitfield
Edwards	Lantos	Wolf
Engel	Manzullo	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1259

So (two-thirds having voted in favor thereof) the rules were suspended and the 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. GERLACH. Mr. Speaker, on rollcall Nos. 39 and 40, I was inadvertently detained. Had I been present, I would have voted "yea."

## 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 for the purpose of inquiring of the majority leader the schedule for the week to come.

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

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

Mr. DELAY. Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday, the House will convene at 10 a.m. We plan to consider H.R. 339, the Personal Responsibility in Food Consumption Act. In addition, we plan to consider H.R. 3717, the Broadcast Decency Enforcement Act.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, March 12. I will be happy to answer any questions that the gentleman from Maryland has.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information, and also for planning purposes that assurance for March 12.

We talked last week and we know that the highway reauthorization extension for 2 months was worked out. When can we expect the committees to mark up the reauthorization bill, and when do you expect to see it on the floor.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I believe the gentleman from Alaska (Mr. YOUNG) is in the process of working with the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and members of the Committee on Transportation and Infrastructure to develop a product that can move through this House before the Easter recess and be signed into law as quickly as possible. So if we back away from our Easter recess, I would hope that the committee would, within the next couple of weeks, be marking up a bill so we can get it to the floor before the Easter recess.

□ 1300

Mr. HOYER. I thank the gentleman for that answer. Can the leader tell me whether or not there is an expectation that this will be, as we have had in the past, a 6-year reauthorization, or is it possible that there would be a shorter reauthorization, say, of 2 years, obviously focused on trying to build jobs and create jobs in the country?

Mr. DELAY. It is a jobs bill, a very important jobs bill to all of us here in the House. We want to do what we can to create these jobs and get them going as fast as possible. To answer the gentleman's question about whether it is a 2-year bill, a 6-year bill, what is the amount here or there, I am not advised, quite frankly. There are discussions about all of that. I do not think any decision has been made along those lines. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) are still discussing that, but I am sure they soon will come to some sort of understanding as to how we will proceed.

Mr. HOYER. I thank the gentleman. As we, as well, also discussed last week, can the leader bring us up to date on the progress of the budget resolution and when he expects it to be marked up in committee and when we can expect to have that bill on the floor?

Mr. DELAY. It is my understanding after a lot of discussion that Chairman NUSSLE and his Budget Committee members are working furiously to complete all their hearings and be prepared to mark it up possibly as early as next week. I would imagine moving the budget resolution to the floor the week after the committee reports its resolution out of the committee.

Mr. HOYER. I know this is preliminary and it is early, but my presumption would be that as we did in years past, that the minority would have its rights to submit such substitutes as it deemed appropriate?

Mr. DELAY. I am encouraging the minority to present substitutes so that we can have a very healthy debate about the future of this country and how we would as a House decide that the importance of the budget is such that we can come to some sort of agreement as a House to move a budget along.

Mr. HOYER. Reclaiming my time, if I may say, somewhat, I know, facetiously, but we are pleased that the leader is encouraging us to do so. As a matter of fact, we are as pleased about that as we were last year when the gentleman from Texas urged everybody to support our motion to instruct, that we follow the House Democratic substitute as opposed to the one that we actually passed. So we are encouraged by the gentleman's encouragement.

Last, if I can, the FSC bill. We talked about this last week. Obviously, the Europeans have started to impose some penalties. Can the gentleman tell us the status of legislation to deal with the FSC issue?

Mr. DELAY. As the gentleman knows, the Committee on Ways and Means has reported a bill out, H.R. 2896, the American Jobs Creation Act. This was reported last year. But we continue to work with the committee and the other body and the administration to bring that bill to the floor in a form that not only meets our obligations to the WTO but also ensures the

continued competitive position of all U.S. companies. I anticipate that we will bring such a bill to the floor in the very near future.

Mr. HOYER. I presume, as well, that when and if that is brought to the floor, because there has been some real disagreement on who that bill ought to advantage and focus on as the gentleman knows in terms of domestic manufacturers as opposed to manufacturers who do a lot of work overseas, and hopefully we will be able to offer alternatives to certainly the bill that was reported out last year, if it is the same bill. As the gentleman knows, we would have an alternative to that. Can the leader give us assurance that we will have that option?

Mr. DELAY. The gentleman knows that it is the tradition of the House to keep Ways and Means tax bills very tight. We have always as a tradition discouraged amendments, but we have encouraged substitutes. I cannot speak for the Committee on Rules; but if there are alternatives in the form of substitutes, then they will be taken into consideration.

Mr. HOYER. I thank the gentleman for that observation. One additional observation. That is obviously an important option. I think the gentleman states correctly the practice of the House under both Democrats and Republicans.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. If I could ask the gentleman from Texas, I like to keep up with new trends in the House. I was struck when the gentleman from Texas, the majority leader, said he could not speak for the Rules Committee.

Is that a new development we had not previously known about?

Mr. DELAY. That tradition remains the same, I would say to my friend from Massachusetts.

Mr. HOYER. I thought of that question, Mr. Leader, but I thought it was probably not worth asking because I knew the answer. But to the other question, with respect to offering substitutes, very frankly, what happens is you can offer a substitute, but if it is not germane and you do not receive a waiver when you are granted the right to offer the substitute, obviously on the one hand you have the ability to offer a substitute, but you do not really have the ability to offer an alternative. There is a very substantial difference.

I do not necessarily expect an answer today, but I really would hope, because we are talking about very significant, important issues, where there are differences in a bipartisan fashion on either alternative, that alternatives should be allowed that are consistent with the objective, although, as the leader well knows, from time to time because of what is or is not included in the committee product may or may not

be germane even though it is pointed to the subject. I offer that as food for thought because I think it is fair and I think it would be good for the American public to have a broader spectrum of options than is sometimes allowed to us, notwithstanding the fact that theoretically a substitute is made available.

I think the gentleman understands my point, and I thank the gentleman for the information.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 5, 2004, TO FILE A REPORT ON H.R. 339, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight on Friday, March 5, 2004, to file a report to accompany H.R. 339.

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

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 8, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, March 8, 2004.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 9, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 8, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 9, for morning hour debates.

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.

COURT RULING UPHOLDS INTENT OF CONGRESS IN PASSING TELECOMMUNICATIONS ACT OF 1996

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

Mr. SHIMKUS. Mr. Speaker, like many of my colleagues, I was delighted to see that the U.S. Court of Appeals for the District of Columbia issued a ruling yesterday that upholds the intent of Congress in passing the Telecommunications Act of 1996. The court found that the FCC did not comply with the Telecom Act when it voted 3 to 2 last year to adopt its highly controversial Triennial Review Order. This marks the third time since 1996 that the FCC's rules have been rejected by U.S. courts.

In its ruling, the appeals court pointed to the commission's failure, after 8 years, to develop lawful unbundling rules and its apparent unwillingness to adhere to prior judicial rulings. FCC Chairman Michael Powell, who was one of the two commissioners to oppose the Triennial Review Order, has voiced his opposition to any appeal of the court's decision and has said, appropriately, that the FCC should expeditiously get to work to produce a set of judicially sound rules once and for all. I fully support the position taken by Chairman Powell and urge the commission to prepare rules to provide the needed clarity and guidance to restore the health and economic vitality of our Nation's telecommunications sector.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BLACKBURN). 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.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that I may proceed out of order and do my 5 minutes now.

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

There was no objection.

CATHOLIC RELIEF SERVICES BRINGS FOOD AND EDUCATION TO THE CHILDREN OF BENIN

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

Mr. MCGOVERN. Madam Speaker, right now there are more than 300 million chronically hungry children in the world. 130 million, mainly girls, do not attend schools. The other 170 million go to school on an empty stomach, stunting their ability to learn. I want