Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Lynch
Rangel
Sessions
Smith (WA)
Wynn
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1059

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1100

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 295, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mrs. HARMAN was allowed to speak out of order.)

THANKING MEMBERS AND STAFF

Ms. HARMAN. Mr. Speaker, now that we have completed debate on our intelligence authorization bill for 2004, I just wanted to thank our chairman who is graceful, collaborative and bipartisan and the members and staff on the majority side and to thank the strong team we have on the Democratic side and especially our staff. By name: Christine Healey, John Keefe, Marcel Lettre, Wyndee Parker, Beth Larson, Kirk McConnell, Bob Emmett and Ilene Romack; and also David Flanders of my personal staff for all the effort they put into yesterday's very thorough and, I thought, outstanding debate.

(By unanimous consent, Mr. GOSS was allowed to speak out of order.)

THANKING MEMBERS AND STAFF

Mr. GOSS. Mr. Speaker, I too would like to congratulate my ranking member and the members of the staff on both sides of the aisle. Normally I would name all those staff. This year I am just going to point to one individual who really was the architect of the bill for the majority, put it together, did the hard work as he always does. He does the budget number and he understands the programs. His name is Mike Meermans. In addition to the spectacular work he did for us in a bipartisan and a thoroughly professional way, Mr. Meermans and his family had a sudden and significant illness in the family. We wish his family well and we wish his son Godspeed, full and complete recovery.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2417.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 297

Resolved, That during the remainder of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays as though under clause 1 of rule XV.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H. Res. 297 is a simple, straightforward measure that authorizes the Speaker to entertain motions to suspend the rules on Wednesdays for the remainder of the 108th Congress. I strongly supported this proposal and urge all of my colleagues in the House to join with me in approving this measure.

This past Monday, the Rules Subcommittee on Technology and the House, which I chair, held a hearing to consider this very proposal. The chairman of the Committee on Rules testified on this proposal, and the subcommittee gathered testimony from the minority whip, the gentleman from Maryland (Mr. HOYER), and the gentleman from Massachusetts (Mr. FRANK) as well.

During the debate on H. Res. 297, I urge my colleagues to keep their remarks to the underlying measure, rather than use this modest proposal as an excuse to debate other matters. Extending the Speaker's ability to entertain motions to suspend the rules on Wednesdays provides the House leadership with another tool that can be used to easily move noncontroversial legislation through the Chamber.

By way of background, when the House convened on January 7, 2003, we adopted H. Res. 5, the House rules for the 108th Congress. Specifically, clause 1 of rule XV provides that it is in order for the House to entertain a motion to suspend the rules on Mondays, Tuesdays, and in the last 6 days of session

of Congress. That very same day, the House also approved a standing order that authorized the Speaker to entertain motions to suspend the rules on Wednesdays, through the second Wednesday in April. On April 30, 2003, the House adopted a unanimous consent agreement that extended the authority of the Speaker to entertain motions to suspend the rules through yesterday, June 25. There have been a total of 16 Wednesdays this year on which the House could have considered legislation under suspension of the rules. Through yesterday, this authority was exercised 13 times.

Entertaining motions to suspend the rules on Wednesdays has been a valuable and helpful tool for the House leadership. In fact, just a few weeks ago, the minority showed how much clout they can have actually in defeating these suspensions when they opposed two Senate-passed public lands bills and both measures failed under suspension of the rules. Eventually, we brought both measures back to the floor where they were overwhelmingly approved. There is simply no evidence to support any claim that permitting the Speaker to entertain motions to suspend the rules on Wednesdays limits or infringes on the rights of the minority.

Madam Speaker, approving this resolution is the right thing to do.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself 5½ minutes.

This resolution is simple. It allows the Republican leadership to consider suspension bills on Wednesdays. Current rules allow this body to consider suspension bills on Mondays and Tuesdays. A special provision in the rules allows the majority to place items under the suspension of the rules on Wednesday as well. That special provision expires soon, and it is my understanding that the majority would like to extend it through the 108th Congress.

Madam Speaker, I am rising today to strongly oppose this resolution, and I urge my colleagues to vote ''no'' and defeat the resolution. I have serious concerns about not only the suspension process but about the way this House is being managed. Suspensions should be reserved for noncontroversial items that do not require lengthy debate by the full House. Controversial issues or substantive issues should not be brought to the House floor under the suspension process, a process that allows little debate and no amendments.

But, Madam Speaker, this House is becoming a place where trivial issues get debated passionately and important ones not at all. The majority of this House already allows far too little debate on critical issues facing the American people. Later today, we will debate the most sweeping changes to Medicare since the program was created 38 years ago. Two days ago, I asked the chairman of the Committee on Rules when as a Member of the House I could examine this hugely important bill, and I was told emphatically that it would be available online yesterday morning. So I got up early yesterday morning, and I logged on at home; but there was no bill. I checked again during the day, but again no bill. Finally at 11:50 p.m. last night, we were given a copy of the bill and told the Committee on Rules would hold an emergency meeting an hour later to consider this bill, and we reported the rule at 5 a.m. this morning.

Why the rush to do this bill in the middle of the night? Is this bill so important, so time sensitive that the Republicans need to force it through the Committee on Rules in the dead of night? When I asked the distinguished chairman of the Committee on Rules why it was considered an emergency hearing, all he could tell me was that he called the emergency hearing because it is his prerogative as chairman of the committee and he wanted to do it this way. We had only an hour to look at this final bill, a bill that is close to 700 pages long.

This process, Madam Speaker, is disgraceful. It demeans this body, and it insults the American people who rely on us to read, to debate, and to vote knowledgeably on legislation. It is clear that the Republican leadership wants to rush this bill through this body as quickly as possible. The other body has already spent 2 weeks debating this bill. They will consider over 70 amendments before they are done. Republicans and Democrats alike have been able to bring their amendments to the floor in the other body and to be heard and to debate these issues. Fifty-eight amendments on the Medicare bill were brought to the Committee on Rules this morning. Only one substitute was made in order. Everything else, including some very thoughtful amendments offered by Republicans, was denied. We will have a grand total of 4 hours to discuss a bill that will fundamentally change the way 40 million Americans pay for the medicines that they need.

This process is awful, Madam Speaker; and this resolution will make it worse. The question is quite simple. Rather than naming more post offices on Wednesdays, why do we not have more debate? What is wrong, for example, with this House spending a few days or even a week on the Medicare prescription drug bill? Why not let more Members, Democrats and Republicans alike, have an opportunity to be heard? We obviously have the time; otherwise you would not be here asking for more suspensions to be scheduled. I understand that the majority has a responsibility to run the House, to move legislation through this process. The Committee on Rules can be a tool in that effort; but under this Republican leadership, the Committee on Rules has become not a tool but a weapon, a weapon that stifles debate, that shuts Members and their constituents out of the legislative process, destroys the committee process and harms the public interest, all behind closed doors and often in the middle of the night.

As Members know, and the American people are noticing, the Committee on Rules is where the sausage gets made and it is not pretty.

□ 1115

The facts speak for themselves. Two thirds of the rules reported by this committee in the 106th Congress were closed or restricted. That increased almost three-fourths in the 107th Congress. In fact, less than 30 percent of the rules reported by this committee in the 107th Congress were open. And so far this year of the 52 rules reported by the Committee on Rules six have been open rules, six of 52.

All of this may sound like Inside Baseball to most Americans, but as we can see with the prescription drug bill this stuff matters. In the House of Representatives process determines a great deal, and lately, Madam Speaker, the process around here has been lousy.

When they were in the minority, Republicans consistently complained about their treatment by the then Democratic majority. So if this is payback for the way Democrats ran the House, then call it payback, but please do not claim that this is fair and balanced when it is clearly not. Americans are better served with an open democratic process. It is in the public interest to allow the full and free debate and to have many people and many different points of view heard and considered by Members of the people's House.

In 1994, while still in the minority, Chairman DREIER gave a speech about the undemocratic nature of the Committee on Rules. In that speech he said that ''the arrogance of power with which they prevent Members, rank-and-file Democrats and Republicans, from being able to offer amendments, that is what really creates the outrage here.'' The wisdom of his words still apply today. The arrogance of power is indeed a dangerous thing.

Madam Speaker, I reserve the balance of my time.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. FROST), the ranking member on the House Committee on Rules.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Madam Speaker, I thank the gentleman for yielding me this time.

Let us be very clear about what is happening on the floor today. The United States Senate has a procedure called a filibuster where Members can get up and talk and fill time. Up until today the House does not have a filibuster. What we are doing is to pass a

bill, a change in our rules, that would create a filibuster on the floor of the House and prevent Members from having the opportunity to debate substantive matters.

Why do I say that? We are going to add an extra day of suspensions. Why do the Republicans want to add an extra day of suspensions? They want to use our valuable floor time for minor noncontroversial matters. Why do they want to use our valuable floor time for minor noncontroversial matters? Because they do not want to provide full debate on matters like changing Medicare and the new prescription drug plan. Why do they not want to provide full debate on Medicare and prescription drugs? They do not have enough time. There is not enough time for us to do this. Why do not we have enough time? Because they are bringing more noncontroversial bills to the floor.

It is very interesting. This is of course the oft remarked case of the young person who killed his parents and throws himself on the mercy of the court because he is an orphan.

Let us be very clear what the Republicans are doing. They do not want to debate the key substantive issues that face this country. What did they do in the rule last night, this morning? We were here until 5:15 a.m. this morning. Why were we here until 5:15 a.m. this morning in the Committee on Rules? Because our meeting did not start until 12:50 a.m. this morning. Why did it not start until 12:50 this morning? Because the Republicans did not want a meeting that would be widely covered by the press and it would be easily accessible to our Members to come and testify. A lot of very good Members, a lot of conscientious Members on both sides of the aisle stayed up. They were there at 12:50 a.m. and they testified until 5 a.m. this morning, and what did the Republicans on the Committee on Rules do? They told them thanks for coming but no thanks, they are not going to give them any time on the floor, they will not give them an amendment. They did this to some of their own Members as well as to Democrats. Why are they doing that? Because they do not want their own Members to have to vote on things that might be embarrassing for them when they go back to the next election.

So that brings us to where we are today. We are going to create a filibuster rule in the House. We are going to permit the Republican leadership to filibuster, to use our time, our valuable floor time, by bringing noncontroversial bills commending people for things they have done, naming facilities, all kinds of things. We used to just do those in a day or two. Now we are going to have 3 days of those bills and now, ''Oh, by the way, we will not have any time for you to offer your amendment on Medicare, we will not have any time for you to offer your amendment on prescription drugs. We have used up all our time. We have created another suspension day.''

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 3½ minutes to the distinguished gentleman from Florida (Mr. HASTINGS), another member of the Committee on Rules.

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time. And the gentleman from Texas (Mr. FROST), the ranking member who is a most distinguished member of the Committee on Rules, is very generous to my colleagues on other side when he says they will bring up nonsubstantive matters on the suspension calendar under the rule that is proposed now, to add a day where suspension matters of the rules can be brought to our attention.

I am not that generous because among the things that I believe that are likely to happen is that we are going to see substantive legislation here on the floor of the House under the suspension calendar. And when that happens that means it did not come to the Committee on Rules. Members did not have an opportunity to amend it. When it is here on the House floor they each have 20 minutes per side and one can bring the most major matter; for example, we were up last night, as has been pointed out, from 12:50 until 5:15 this morning in the Committee on Rules. That is all right, but would the Members believe that under this particular rule that is coming in the middle of a session that what we could also do is bring this same Medicare measure up if we wanted to under the majority provision?

I cannot say it too well, but I said to the chairman of the committee, why are we doing this in the middle of the night? It would seem to me that what we can do is work 9 to 5 Monday through Friday rather than having to have this lack of time. The American people send us up here to work. They do not send us up here to avoid time.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I thank my friend for yielding. And let me begin by expressing my appreciation to him for the hard work that he put into the Committee on Rules meeting last night.

My friend just mentioned the fact that measures that are considered under suspension of the rules are nonsubstantive and his concern is the fact that we may bring up substantive measures under suspension of the rules. The fact of the matter is major substantive pieces of legislation should come up under suspension of the rules. They can only pass if there is a two-thirds vote. The only requirement is that in fact 61 Democrats joined with every Republican to pass the measure.

I thank my friend for yielding. I just wanted to make that clear.

Mr. HASTINGS of Florida. Madam Speaker, reclaiming my time, the gentleman from Massachusetts (Mr. FRANK) will speak to that a little later and tell us how tricky that is when they put matters on and Members cannot, for example, make a distinction between whether they want to vote yes or no and when many times they will want to vote no and find themselves in a box. I believe the gentleman from Massachusetts (Mr. FRANK) will be able to explain it better than I.

The gentleman's chairman and mine, the gentleman's good friend and mine, Gerald Solomon, said the following: Every time we deny an open amendment process on an important piece of legislation, we are disenfranchising the people and their representatives from the legislative process. The people and their representatives are not being even treated as second class citizens. And what I said to the chairman is that roughly 48.9 percent of the people in this country are represented by Democrats.

Let me end by saying what Gerald Solomon said: The people are sick and tired of this political gamesmanship. They want back into their House, and they do want it open and democratic, not closed and dictatorial.

Anybody that believes that this measure is going to help this House of Representatives is participating in what Gerald Solomon described as a closed and dictatorial body, and time will tell.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I thank the gentleman for yielding me this time and rise in strong opposition to this rule today. Imagine, a bill that will affect over 40 million people. But not until 2006 they tell us, which is very interesting, and we do not even get a chance to read the bill before we vote on it. Last night, I was one of those people that managed to stay in the Committee on Rules until 5 a.m. this morning trying to amend this bill. I thought: ''What a punitive process.'' Yet this is how they are treating the American people, too. It will be harder on them than it was obviously on us staying up all night on this measure that is so vastly important to grandmothers, grandfathers, to older citizens across this country.

They want to privatize Medicare. They want to take this prescription drug benefit and put our seniors into Medicare HMOs. Try to find one that still exists in your area. And they denied me the opportunity to offer my amendment to permit the Secretary of Health and Human Services to have negotiated prices for prescription drugs. Everybody knows bulk buying gets one a better price. They denied me that ability, and not only that but in the base bill in section 8–1800 they forbid the Secretary of Health and Human Services to have negotiated prices to get people the best price for prescription drugs, moreover, in their bill, if a

person's drugs cost over $2,000 a year, well, it's just too bad. Seniors will have to pay between $2,000 and $4,000 for what they cannot afford. How many seniors earning $8,000 a year on Social Security can afford that?

What is the matter with you people? What is the matter with you?

And then they try to limit the amount of time for debate on the floor here. Let's look at negotiated prices on this accompanying chart, which I am trying to get in this bill, take this medicine for high blood pressure, for example, in Canada that costs about $152. In our country it costs about $182 if one goes to the regular drugstore. And if one has a negotiated price like the Department of Veterans Affairs has, you can get it for $102. The consumer saves all that money.

All my amendment tries to do is to use what the Department of Veterans Affairs does to have bulk buying, to have negotiated prices, and apply it to this program so we use the power of the people, the consumer power of the people, to get them the best price for prescription drugs. They will not allow my amendment on this floor today.

I should at least have the right to offer my amendment. You can vote no on it, but you have no right to do this to the senior citizens of our country. I urge my colleagues to vote no on this rule.

Mr. LINDER. Madam Speaker, on my time, I would like to ask the Clerk to reread the rule.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the Clerk will reread the resolution.

There was no objection.

The Clerk reread the resolution.

Mr. LINDER. Madam Speaker, I thought I was correct. This is a rule on suspensions, not on Medicare.

Madam Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

What are the consequences of what we are talking about? I will give an example. When we were debating the tax bill a couple weeks ago, we found out after the fact because we only had an hour to debate this major tax bill that 12 million children of working parents, 6½ million families, were left on the editing room floor not getting a tax cut that they were promised, a $1,000 tax cut. It costs us $3.5 billion to make those children whole while millionaires were getting their tax cut.

General Musharraf of Pakistan came to the White House the other day, walked out in 24 hours with a $3.5 billion check, equal to the amount it would be to keep the children, 12 million children, 6½ million families, the same amount of money to give them a full $1,000 child tax credit.

They do not have time to debate these things. They learn the consequences later that 12 million children, American children, have been left on the editing room floor because they did not have a lobbyist in the conference room. And we did not know this fact because we had to debate this bill and move it immediately within 1 hour. Six and one half million working families who make $12,000 a year, equal to what a Member of Congress earns in 1 month, yet General Musharraf of Pakistan walked out in 24 hours with that check, equal amount.

That is a consequence. It is a real consequence about whether we have time on the floor to debate these issues, give voice to our values and principles. Whether they are Democrats or Republicans, there are common values, common principles we can find.

□ 1130

Now, if we want to have noncontroversial time on the floor, that is fine. But find in your heart, in your mind, that same sense of justice for controversial issues to debate. Respect the public that we are here to give voice to their values, that we should debate those issues. That is just one consequence.

I had a bipartisan amendment on the prescription drug bill that would allow generics to come to market to compete with name brands to reduce prices. It would also allow us to import drugs from American-made drugs that are sold in Canada, Germany, and England at cheaper prices, that would bring market forces to bear, bring real competition, make drugs affordable, would save close to a half of $1 trillion. There was no room for this debate on prescription drugs for that amendment.

So whether we want noncontroversial, it is not controversial to me, but whether we have real issues debated here on this floor, so people can vote and be held accountable, that, to me, is significant. Let us have time to bring our common values and common principles, to debate them, and stand up in front of our public to let them know where we stand.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I thank my colleague from Massachusetts for allowing me to talk on this rule, but mainly talk about a rule that will come up in a few minutes.

Madam Speaker, a critical part of the legislative process is to be able to amend legislation so that we can improve it. The rule on Medicare prescription drugs does not allow us to do that. The continued efforts by the leadership of the House to stifle debate on this issue can no longer be tolerated.

Although the rule does allow a substitute, which is better than last year, which I appreciate, there are so many other important amendments that should be debated on the floor on this, one of the most important issues this Congress will consider this year, this prescription drug package for our senior citizens.

The Committee on Energy and Commerce marked up this legislation for 3 days last week, the Democratic side offered dozens of amendments that would significantly improve the legislation. Several of these amendments were very close or tie votes, including one amendment that I offered to close that gap in coverage that is part of the so-called prescription drug benefit plan. That would close that doughnut hole that our seniors are going to fall into under the majority Republican plan. But the Committee on Rules would not let us offer these same amendments, amendments which should have been offered and may have passed on this floor.

One amendment was discussed by my colleague, the gentlewoman from Ohio, regarding a provision in this bill that prohibits the Health and Human Services Secretary from negotiating for cheaper prices for our seniors. That is just wrong. We do not prohibit the VA from doing it. We do not prohibit our States from doing it. In fact, the Committee on Energy and Commerce bill that passed allowed States to do that; yet we are saying that the Federal Government cannot get cheaper prices for our seniors. That amendment should be on this floor.

Madam Speaker, it is far too important for us to rush a debate on a prescription drug benefit for seniors and only have 1 day. The Senate has been debating this bill for the past 2 weeks, but in the House we are going to do this and rush it through in one afternoon. That is not the way our forefathers designed this House to legislate.

I urge my colleagues to oppose the rule when it comes up and obviously to oppose the underlying bill.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 5½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, the disrespect that the majority has for the democratic process is evident today.

The majority brings this to the floor, does not deign to discuss it. Perhaps they are going to wait until they have the very last word, which they are entitled to under the rule; but I do not understand why they should think it is not worth their time and energy to discuss the issues we are trying to solve.

Mr. LINDER. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield to the gentleman from Georgia on his time.

Mr. LINDER. Madam Speaker, I am happy to give the gentleman 2 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, I am happy to yield.

Mr. LINDER. Madam Speaker, I have explained this rule, and the Clerk has

read it twice. I do not know what the gentleman does not understand about it or what needs to be discussed about it. This was a rule that was passed in April under unanimous consent. If the gentleman wants to discuss the rule, I will be delighted to engage him. But if the gentleman wants to discuss something else, he is all on his own.

Mr. FRANK of Massachusetts. Madam Speaker, reclaiming my time, I thank the gentleman for confirming my point. He said the Clerk has read it twice. Okay, America. You have heard specifically the language read twice. You should be grateful for that.

There are philosophical implications here. We have been meeting only on an average of 2½ days a week. You are now going to make 3 out of 2½ days eligible for suspensions.

The chairman of the Committee on Rules said previously, 25 years ago the Democrats went from 1 day to 2. That was 2 days out of 4 days. You have shrunk the time we are in session and increased the amount for suspensions.

The refusal to discuss this announcement, arrogantly, Hey, I read the rule, what more do you want, is what we are getting at.

What we have here is what political philosophers have called authoritarian democracy. It is a view that as long as ultimately a majority ratifies a result, that is all that counts. Well, that is a very unfortunate view of democracy. It is not the view of democracy of the U.S. Constitution, of the Rules of the House of Representatives, or any self-respecting parliamentary democracy.

What we want to have is debate. What we want to have is to air for the public. We are here as the representative body for a great democracy. What is important is not simply the result, not simply your ability, which I envy, to get your Members to vote in a majority for things that they do not like. You are going to produce a majority today for a prescription drug bill for which most of your Members are going to go home and take a prescription drug to cure the headache and the stomach ache and the backache and the twisted arms that they are going to get either from voting for it or after voting for it. But you can get them to do it.

Well, here is what happens. In fact, the chairman of the Committee on Rules said as we debated this in the Committee on Rules, it is partly because there is such a narrow majority that you have to go to these tactics. That is backwards. The narrower the majority in the House, the more respect there ought to be for the procedural forums that allow things not to be forced.

Here is what we have: an ideologically driven majority on the Republican side, very much controlled on key issues by their most extreme ideological cohort, and they are determined to put legislation through that many of their Members do not like. And the key, by the way, is not yes or no on the final bill. This is where you go on suspension. It is a terrible abuse of the democratic process to take a complex issue like we had on Israel yesterday, and I voted for it, but I would have liked to have voted for some amendments. I would like to be able to affirm that Israel has a right of self-defense, but ought to consider as a matter of prudence and as a matter of their own self-interests whether or not they should use it as often as they are entitled to. But it comes up on suspension.

And the important questions are often not ''yes'' or ''no,'' but ''yes, but,'' and ''no, except.'' You do not allow that. You bring them up under suspension because this is your view, only the end result counts. If you can get a majority for the end result, the debate process gets collapsed; and whether or not there are amendments, whether or not there is any modification, that is not allowed.

Here is why: there are people on the Republican side who campaign in their own districts on one set of principles and then come here and enable exactly the opposite to become the law of the land. And here is how they do it. They say to people, oh, I would not vote on that. We are going to vote next week on whether or not, or 2 weeks, whether or not you should be allowed to receive Federal money for secular purposes, and then deny employment to people because you do not like their religion. That is what is going to be up. And we are not going to get to vote on this if past practice is any guide, because we have twice asked to vote on that specific issue; and the Republicans said, no, no, we do not want you to vote on that.

The reason is that if their Members had to vote individually on that, many of them would have to vote not to allow that discrimination because that is what they told people they stand for. So what the Republicans will do will be to bring forward what we call a rule. It is a procedure which will prevent people from voting on the very issue that they claim to support. And then having voted to prevent themselves from voting, they will go to their own constituents and say, you know, I agree; but I was not given a chance to vote. That is what we are dealing with.

That is what happens when you have more suspensions, and this is very relevant to this rule. You take things like the Israel resolution and resolutions on the war and on the troops and on genetically modified foods, all of those were resolutions which I supported, but with which I had some subordinate cause differences. I would have liked to have been able to participate in a democratic process to try to amend them, I think, to strengthen them.

You were afraid, you in the majority, Madam Speaker, to allow that to happen. You wanted to make some political points, so you bring these forward in an unamendable form and you say to people, you are going to have to vote for it. Even if you only agree with 90 percent, we are not going to let you try and change or modify the 10 percent, because then we will say, oh, you are not patriotic, you are not a supporter of the State of Israel, you are not a supporter of the American economy.

That is an abuse of the process, because democracy does not simply means the end result. It means an open process of debate. It means letting people try to change each other's minds. It means letting the American people through the media understand what is going on. What we have is a systemic process here not to allow that.

Madam Speaker, it is not a matter of time. We are told we do not have enough time.

By the way, when I came here and was told by the majority, well, that is the way it used to be. No, it was not. By the way, to the extent that there were abuses in the past, I objected. When I was in the majority, I helped lead a change in the rules because too often, both sides in a conference report took the same position. And I fought for the rights of minorities to take 20 minutes on the conference report.

Madam Speaker, when I came here, we had something called the 5-minute rule. We debated. We yielded to each other. We debated defense bills for 3, 4, and 5 days.

The majority, in the interests of making sure that it gets its Members to do whatever they are told to do without being embarrassed on subordinate issues, has beaten down democracy. They have collapsed democracy into meaning simply the end product. And debates on amendments and public discussion, as evidenced by this today, hey, I read the rule; what do you need? Well, democracy needs debate, discussion. It needs a joinder of the issues, and we do not get that. And we do not get it, as I said, primarily to protect; and we have Members who are not as conservative as the center of gravity on the Republican Party, and I apologize to some in the Republican Party for saying ''center of gravity,'' because I know to many of them ''center'' is a dirty word.

So there are moderate Republicans, so-called, who do not agree with their party's positions. What they are now doing is voting with their party on a series of procedures that disallow democracy, disallow debate, disallow amendments, and that allows them then to appear to be for certain positions when they have voted to collapse them. That is why this rule is a great disservice to democracy.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time.

First of all, let me echo a point that was made by my colleague from Massachusetts about the importance of the amendment process and how it promotes congressional accountability. Let me read my colleagues a quote: ''What does the ability to offer an amendment have to do with accountability? If a Member has the power to

offer an amendment, he can no longer claim to support one thing, but then say that he was blocked in his effort to make a change in the law. In addition, with more floor votes and more clear issues, Members will be forced to take clear positions with their votes. That is exactly what the American people want: fewer excuses and more elected officials who actually stand for something.''

That quote, Madam Speaker, was made by the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER). I agree with that quote.

The gentleman from Georgia (Mr. LINDER), my friend, seems confused as to why we are having this debate. He has asked for the amendment resolution to be read over and over, so let me try to clear something up. The reason why we are having this debate today is because we believe that this House is becoming a place where trivial issues get debated passionately, and important ones, not at all. The fact that what they are asking for is an additional day to debate essentially nonconsequential, trivial issues bothers us because we are constantly being told by the majority that we do not have enough time to make everybody's amendments in order. We do not have enough time to allow this House to deliberate. We do not have enough time to make sure that the democratic process works, and that all Members, Democrats and Republicans, have an opportunity to have their constituents' voices be heard on this House floor. So that is why we are having this debate.

We are having it in a particularly passionate way today because of what went on earlier this morning in the Committee on Rules. The prescription drug bill, perhaps one of the most important pieces of legislation that we will deal with, an issue that impacts 40 million of our senior citizens in this country, this bill was brought to the Committee on Rules in the middle of the night, and virtually every amendment and all of the substitutes except one were ruled out of order, were denied. So these people will not have an opportunity to be heard on the floor today.

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I mean, we are stunned. We are shocked. We are appalled that on a bill this important that they are rushing it to the floor under an extremely restrictive process, limiting debate so that we are not going to have much of a debate here on this House floor.

In the other body they have been debating it for 2 weeks, over 70 amendments, and they are still debating it; but here in the people's House, we are supposed to represent the people. We are supposed to be the body of government closest to the people. We are being told that we have to do it in a matter of a few hours, let us do it quickly, no amendments and get out of here. That is not the way to do it.

This is too important; and for some of us who worry that they are trying to privatize and weaken Medicare, it is appalling that we do not have an opportunity to have amendments on this floor to protect Medicare, to make sure that it does not wither on the vine, to make sure that it is there for future generations.

That is what is at stake here. That is what we are talking about is so important.

I want to close by making an appeal to some of my Republican colleagues who routinely come before the Committee on Rules and, like many Democrats, get routinely shut out of the process. Many of them were there last night, early this morning, at 2:00, 3:00, 4:00 in the morning trying to get their amendments made in order, very thoughtful amendments. They were shut out of the process. I want to speak to them just for one second and urge them to join with us in voting against this resolution. Send a message to your leadership that everybody in this Congress deserves respect and everybody should be heard, that the constituents that I represent are as important as the constituents that you represent, are as important as the constituents that are represented by the Speaker of the House and the majority leader of this Chamber.

So this is an important vote, and the debate we are having today is very relevant and very relevant to the topic at hand. So I urge my colleagues on both sides of the aisle to vote ''no'' on this. We are spending too much time naming post offices and not enough time debating the issues that real people care about. So I urge a ''no'' vote.

Madam Speaker, I yield back the remainder of my time.

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

I do not agree with my Massachusetts colleague who said it is dumbing down democracy to do suspensions and not have amendments. To get to a conclusion at many times is good for the process, good for the country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 297 which provides for the Speaker the option to entertain motions to suspend the rules on Wednesdays during the remainder of the One Hundred Eighth Congress. Functionally, this proposal hinders the legislative business of the House. Furthermore, by implication, this bill appears to be nothing more than an another attempt by the Majority to diminish the opportunity of the Minority to debate more substantive issues on this floor.

The purpose for allocating time for these items is to expedite their adoption and entry into the records because they are not controversial. To slow down the legislative calender with three days, instead of two, of noncontroversial items is patently wasteful. Passing legislation to commemorate great citizens and to instill widely-held moral values is quite important but should yield to the simple principle of prioritization. An appropriations bill for projects queued by the Department of Homeland Security to protect our Nation's critical infrastructure and bioterrorism readiness clearly deserve's priority over non-substantive matters. We have a moral duty not to take lightly the lives of our children and grandchildren. Quite frankly, this bill appears to be somewhat of a mockery to our democratic process.

In the years leading up to the election of 1994, the Republican Party in the House of Representatives complained loudly and vociferously that the then-Democratic majority ruled the House with an autocratic iron fist. The Members of the Rules Committee heard this complaint on a daily basis. Democrats were accused of stifling debate and gagging the House.

After eight and a half years of a Republican-controlled House, the Democratic Members of the Rules Committee can report that the House of Representatives is less democratic and more autocratic than ever before. Instead of reforming the House, the Republican majority has taken filibuster and gagging the House to new heights. The Democratic Members of the Rules Committee, as do the other Members of the Democratic Caucus, believe that the Republican majority has, in the years since it took control of this institution, made a concerted effort to shut down debate and stifle the deserving advocates of this legislative institution. We believe this effort by the Republic leadership goes against the public interest and the pledges made by a host of Republican Members in the years leading up to the 1994 election. Furthermore, the ''substance'' of this bill, if you will, completely obliterates legitimate legislative order.

Mr. Speaker, I point that our children and grandchildren deserve better. The first responders on the front line awaiting the necessary funds to staff the ports and the posts against the threat of terrorist attack deserve better. Our brothers in Liberia who have been displaced because of civil and political strife deserve better. The seniors citizens whose ability to obtain prescription drugs in a reasonable fashion deserve better. We, as Member of the House of Representatives are charged to do better.

For the foregoing reasons, I oppose H. Res. 297.

Mr. LINDER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

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

Mr. MCGOVERN. Madam 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. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair