

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from New York (Mr. CROWLEY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 67, not voting 11, as follows:

[Roll No. 523]

YEAS—356

Abercrombie	Davis (IL)	Hoyer
Ackerman	Davis (TN)	Hulshof
Aderholt	Davis, Jo Ann	Hyde
Alexander	Davis, Tom	Insee
Allen	Deal (GA)	Isakson
Andrews	DeFazio	Israel
Baca	DeGette	Istook
Bachus	Delahunt	Jackson (IL)
Baird	DeLauro	Jackson-Lee
Baldwin	Deutsch	(TX)
Ballance	Diaz-Balart, L.	Janklow
Barrett (SC)	Diaz-Balart, M.	Jefferson
Bartlett (MD)	Dicks	Jenkins
Bass	Dingell	John
Beauprez	Doggett	Johnson (CT)
Becerra	Dooley (CA)	Johnson (IL)
Bell	Doyle	Johnson, E. B.
Bereuter	Dunn	Jones (NC)
Berkley	Edwards	Jones (OH)
Berman	Ehlers	Kanjorski
Berry	Emanuel	Kaptur
Biggert	Emerson	Keller
Billrakis	Engel	Kelly
Bishop (GA)	English	Kennedy (MN)
Bishop (NY)	Eshoo	Kennedy (RI)
Bishop (UT)	Etheridge	Kildee
Blumenauer	Evans	Kilpatrick
Bonner	Everett	Kind
Bono	Farr	King (NY)
Boozman	Fattah	Kingston
Boswell	Ferguson	Kirk
Boucher	Filner	Kleczka
Boyd	Fletcher	Kline
Bradley (NH)	Forbes	Knollenberg
Brady (PA)	Ford	Kolbe
Brown (OH)	Fossella	LaHood
Brown (SC)	Frank (MA)	Lampson
Brown, Corrine	Frelinghuysen	Langevin
Brown-Waite,	Frost	Lantos
Ginny	Gallegly	Larsen (WA)
Burns	Gerlach	Latham
Burr	Gibbons	LaTourette
Burton (IN)	Gilchrest	Leach
Calvert	Gingrey	Lee
Camp	Gonzalez	Levin
Capps	Goode	Lewis (KY)
Capuano	Goodlatte	Lipinski
Cardin	Gordon	LoBiondo
Cardoza	Graves	Lofgren
Carson (IN)	Green (TX)	Lowe
Carson (OK)	Greenwood	Lucas (KY)
Case	Grijalva	Lucas (OK)
Chabot	Gutierrez	Lynch
Clay	Hall	Majette
Clyburn	Harman	Maloney
Coble	Hastings (FL)	Manzullo
Cole	Hayes	Markey
Collins	Hayworth	Marshall
Conyers	Herger	Matheson
Cooper	Hill	Matsui
Costello	Hinchee	McCarthy (MO)
Cox	Hinojosa	McCarthy (NY)
Cramer	Hobson	McCotter
Crenshaw	Hoefel	McDermott
Crowley	Hoekstra	McGovern
Cubin	Holden	McHugh
Cummings	Holt	McIntyre
Cunningham	Honda	McNulty
Davis (AL)	Hoolley (OR)	Meehan
Davis (CA)	Hostettler	Meek (FL)
Davis (FL)	Houghton	Meeks (NY)

Menendez	Putnam	Smith (WA)
Mica	Quinn	Snyder
Michaud	Rahall	Solis
Millender-	Ramstad	Souder
McDonald	Rangel	Spratt
Miller (FL)	Regula	Stark
Miller (MI)	Rehberg	Stearns
Miller (NC)	Renzi	Stenholm
Miller, George	Reyes	Strickland
Mollohan	Rodriguez	Stupak
Moore	Rogers (AL)	Sullivan
Moran (KS)	Rogers (KY)	Sweeney
Moran (VA)	Ros-Lehtinen	Tanner
Murphy	Ross	Tauscher
Murtha	Rothman	Tauzin
Musgrave	Roybal-Allard	Taylor (MS)
Napolitano	Royce	Terry
Neal (MA)	Ruppersberger	Thompson (CA)
Ney	Rush	Thompson (MS)
Northup	Ryan (OH)	Tierney
Norwood	Ryan (WI)	Toomey
Nunes	Ryun (KS)	Towns
Oberstar	Sabo	Turner (TX)
Obey	Sanchez, Linda	Udall (CO)
Olver	T.	Udall (NM)
Ortiz	Sanchez, Loretta	Upton
Osborne	Sanders	Van Hollen
Ose	Sandlin	Velazquez
Otter	Saxton	Visclosky
Owens	Schakowsky	Vitter
Oxley	Schiff	Walden (OR)
Pallone	Schrock	Walsh
Pascarella	Scott (GA)	Wamp
Payne	Scott (VA)	Waters
Pearce	Sensenbrenner	Watson
Pelosi	Serrano	Waxman
Peterson (MN)	Shaw	Weiner
Peterson (PA)	Shays	Weldon (FL)
Petri	Sherman	Wexler
Pickering	Sherwood	Whitfield
Pitts	Shimkus	Wicker
Platts	Shuster	Wilson (NM)
Pombo	Simmons	Wilson (SC)
Pomeroy	Simpson	Wolf
Porter	Skelton	Woolsey
Portman	Slaughter	Wu
Price (NC)	Smith (MI)	Wynn
Pryce (OH)	Smith (NJ)	Young (AK)
	Smith (TX)	Young (FL)

NAYS—67

Akin	Duncan	McKeon
Baker	Feeney	Miller, Gary
Ballenger	Flake	Myrick
Barton (TX)	Foley	Nethercutt
Blackburn	Franks (AZ)	Neugebauer
Blunt	Garrett (NJ)	Nussle
Boehlert	Gillmor	Pence
Boehner	Goss	Radanovich
Bonilla	Granger	Reynolds
Brady (TX)	Green (WI)	Rogers (MI)
Burgess	Gutknecht	Rohrabacher
Buyer	Harris	Sessions
Cannon	Hastings (WA)	Shadegg
Capito	Hefley	Tancredo
Carter	Hensarling	Taylor (NC)
Castle	Hunter	Thomas
Chocola	Issa	Thornberry
Crane	Johnson, Sam	Tiahrt
Culberson	King (IA)	Tiberi
DeLay	Lewis (CA)	Turner (OH)
DeMint	Linder	Weller
Doolittle	McCrery	
Dreier	McInnis	

NOT VOTING—11

Cantor	Larson (CT)	Pastor
Gephardt	Lewis (GA)	Watt
Hart	McCollum	Weldon (PA)
Kucinich	Nadler	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

Mr. SIMPSON and Ms. DUNN changed their vote from “nay” to “yea.”

So the motion to instruct 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. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, September 25, 2003, to vote on rollcall vote Nos. 520, 521, 522, and 523 because I was attending a funeral in my District.

Had I been present, I would have voted: “aye” on rollcall vote No. 520 on H.J. Res. 69—Continuing Resolution through October 31st; “aye” on rollcall vote No. 521 on H.R. 3161—To Ratify the Authority of the FTC to Establish a Do-Not-Call Registry; “aye” on rollcall vote No. 522 on the motion to instruct conferees on H.R. 1 to accept provisions in the Senate and House bills to avoid cuts to rural hospitals, ensure access to health care for rural communities and provide guaranteed prescription drug coverage; and “aye” on rollcall vote No. 523 on the motion to instruct conferees on H.R. 1588 to accept provisions in the Senate bill to provide TriCare health coverage for reservists called to active duty.

LEGISLATIVE PROGRAM

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

Mr. SANDLIN. Mr. Speaker, for the purpose of scheduling, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding, and I would be happy to talk about the schedule to the extent we know it.

Mr. Speaker, according to the calendar we announced at the beginning of the year, next week was scheduled to be the last week of the first session of the 108th Congress; and while the House by and large has completed its work for this session, the Senate is a little behind us, maybe several weeks behind us, and we still have some more work to do. So we will be here beyond October 3, certainly. We will be completing appropriations bills, as well as other important priorities.

In addition, the President’s recent request for additional resources for the war on terrorism through the supplemental is something this Congress will be considering. Of course, that means we will need additional time in session.

While I understand that Members are anxious to know about votes for October, especially for the week of October 6, we have not yet finalized a number of key decisions that need to be made before we know exactly what that schedule will be. Hopefully by the close of business tomorrow, Friday, we will be able to distribute a “Dear Colleague” letter to each office which will indicate the days when we expect to have votes for the entire month of October. This information will also be on the majority leader’s Web site hopefully by the close of business tomorrow.

For next week, in addition to a lengthy list of bills that we will consider under suspension of the rules

starting on Tuesday, we do have a long list of conference reports that could become available.

□ 1300

These include, but are not limited to, the FAA authorization, which has to get done, as we all know, the DOD authorization bill, military construction appropriations bill, energy and water appropriations bill, and, of course, the Energy Policy Act of 2003.

No one can say at this time which days any of these bills will be considered by the House. It is difficult to know, but I would stress that we will expect to be voting on one or more of these conference reports, and we should expect to be here next Friday.

Members should know we may well be working late into the evening next Friday, October 3, 2003, to consider some of these conference reports. I would try to answer any further questions the gentleman from Texas has.

Mr. SANDLIN. Mr. Speaker, I will reclaim my time.

Mr. Speaker, it was indicated that there was hope to have a schedule available as soon as tomorrow for the month of October. As of right now, is there an expectation that we would have legislative business during the week of October 6, 2003, even though the other body has decided not to be in session during the week?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I think we will have a better answer to that as of tomorrow close of business. But my expectation would be we would have business here on the floor even though the Senate will be out, the other body, in part because of the work we need to do on the supplemental, and in part because of possibility of other important work in the appropriations conference reports.

Mr. SANDLIN. Mr. Speaker, I note that it was indicated that we could be working late into the evening next Friday. And, of course, that is contingent on many things. But I would like to know if there is a possibility that we will not be working late next Friday so that the Members can schedule their transportation needs, and also would request an answer to why we would be working late next Friday and confounding scheduling when we have not been working on Mondays and Fridays in the past.

Mr. PORTMAN. Mr. Speaker, that is certainly a fair question. And I honestly do not think we will have the answer to that until some time midweek next week, depending on how the conference reports are going. My point earlier was that Members should be prepared to be here on Friday, if necessary. We do not know if that will be necessary, but if there are conference reports that are ready to go, I think it is important that we are here to get our work done.

So it seems like it would make sense for Members not to make plans for Friday that they are unable to get out of.

We will see what happens as of next week.

Mr. SANDLIN. Mr. Speaker, is there an idea about what time we might know tomorrow about the upcoming week's schedule so that our Members can make their scheduling for airplanes or other modes of transportation and deal with their families and events at home?

Mr. PORTMAN. Mr. Speaker, I am advised by the majority leader's office that it will be available as soon as possible tomorrow, which, in House terminology, probably means tomorrow afternoon or evening. It is going to take a while to make some decisions on some matters that are not entirely in our control, including working with the Senate on how we work through the supplemental. So I would think tomorrow afternoon sometime.

Mr. SANDLIN. Mr. Speaker, in the event that we do meet late next week, during the week would our business that week be consideration of the Iraq supplemental appropriations legislation? And, if so, can Members be assured that we will have a fair process for consideration of that bill, a process that would allow full debate so that Members will have the ability to address all of their concerns of justification and accountability?

Mr. PORTMAN. Mr. Speaker, if the gentleman will further yield, I appreciate the question. And my own sense is that it is very unlikely we would see the supplemental appropriations bill on the floor next week simply because the committee has not yet gone through the hearing process to the extent they would like to. My understanding is they would like to hold additional hearings next week.

In fact, the members of the subcommittee have indicated that they will be going on a trip this weekend, I think, to Iraq to gather further information. So it seems very unlikely it would be before us next week.

In terms of the rule, we have not worked that out yet with the Committee on Rules. I certainly have not talked to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), but that is a decision that would be made as we get closer to that vote.

Mr. SANDLIN. Mr. Speaker, reclaiming my time.

Mr. Speaker, we passed a continuing resolution today that will take us through October 31, 2003. Would you anticipate that we would be able to finish all of our legislative work for the year by the end of October?

Mr. PORTMAN. Mr. Speaker, another fair question from the gentleman. I wish we could provide a definitive answer. That is certainly our hope, that by the end of the month of October that we would be completing our legislative business for this session of this Congress. But it would depend on our progress with the Senate on a number of these conference reports that we talked about earlier.

Mr. SANDLIN. Mr. Speaker, I appreciate the information from the gentleman. I noticed in the initial remarks that several conference reports were mentioned that would be coming up including FAA and DOD and military construction and energy and water. Certainly, those are important matters. But in looking at that list, I would note that many of those things have not been brought forward yet because we have not been scheduling Friday and Monday.

Secondly, I would note that in that list, from what I am reading, that neither the Medicare prescription drug legislation nor the tax credit legislation is on that list. But could Members be told which one of those two are most likely to come to the floor? Is there a possibility of the Medicare prescription drug legislation coming to the floor and is there a possibility of the child tax credit legislation coming to the floor?

Mr. PORTMAN. Mr. Speaker, if the gentleman would further yield, I would say absolutely. It is our hope that we would have both of those conference reports coming back to the House floor. Certainly they were not excluded from the list because we do not hope to do them, but they were not in the list because it is unlikely we will do them next week. So it will not be something imminent. On both of those conferences, we would hope to come to a resolution.

As the gentleman knows, being on the Committee on Ways and Means, the members of the Committee on Ways and Means on the conference and the members of the Committee on Energy and Commerce are working diligently with regard to the Medicare conference and their staff, even as we talk this afternoon. So we are very hopeful we can resolve both of those and bring them to the floor before completing our work for this session.

Mr. SANDLIN. Mr. Speaker, I appreciate that. So there is certainly the possibility that in addition to the ones that you listed, since we are working extra hours next week and working late through Friday, there is the possibility that Medicare prescription drugs and/or the child tax credit legislation could come up for consideration next week since we do have additional time next week?

Mr. PORTMAN. Mr. Speaker, my colleague from Texas knows some of the complexities of some of these issues and knows the progress we have made, but also the ground we have yet to cover. So I think it is unlikely, from my point of view, it is unlikely we will see it next week. But I think it is very likely that we will make significant progress in the next two weeks, particularly if we are here for a considerable amount of time the week of October 6, 2003, to be able to make progress on these conference reports. Even in the absence of the Senate being in session, we can still work on conference reports.

So our hope is to continue to push with regard to all of the conferences. We named a number of them earlier. We hope to have them come to the floor over the next several weeks as we complete our work.

Mr. SANDLIN. Certainly we hope since we are working a little bit later, we can consider Medicare prescription drug legislation and the child tax credit. That is, of course, very important.

Does the gentleman expect that we could move forward and go to conference on the Labor-HHS-Education bill sometime next week? Since we do have additional time, would that be a priority?

Mr. PORTMAN. It certainly would be a priority. It is my understanding that the Senate formally requested a conference just last night on what is the second largest now of our 13 appropriations bills. It is certainly a very important bill for us to be able to complete on an independent basis and that is our goal. We cannot commit to a day next week when we would consider a motion to go to conference, but I think it is very likely it could happen next week.

Mr. SANDLIN. The House earlier today was supposed to consider a rule to send the FAA conference report back to conference. When the conferees reconvene, would the gentleman expect them to work in a truly cooperative manner and accept the will of both Houses of Congress with regard to halting the privatization of air traffic control towers as has been debated here on the floor?

Mr. PORTMAN. It is our understanding that Members of that conference from both sides of the aisle and both sides of the Capitol have indicated that a couple of relatively small changes are necessary to get that bill into position where both the House and the Senate can pass the conference report. That is what we are working toward. Those grant programs administered by FAA expire, as the gentleman knows, at the end of the month. I know that the chairman of the Committee on Transportation and Infrastructure and so many other Members in this Chamber would like to get this bill to the President for signature as soon as possible.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Ohio for his information and cooperation today and would ask that the gentleman and/or the leadership of the majority let us know just as quickly as possible tomorrow about the scheduling, so that our Members can make their scheduling for their transportation, and also let us know if there is any possibility of the Medicare prescription drug bill or tax credit bill or FAA bill or any of that coming up next week.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 2003; AND ADJOURNMENT FROM MONDAY, SEPTEMBER 29, 2003 TO TUESDAY, SEPTEMBER 30, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 30, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. 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 Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SANDLIN 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. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. SANDLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Texas (Mr. SANDLIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SANDLIN).

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

Mr. Speaker, the way this bill currently stands is nothing more than a