

for Everglades restoration. This provision prevents it, and can actually prevent the entire project.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, first I congratulate the gentleman from New Mexico (Mr. SKEEN) who is, as the gentleman from Florida (Mr. YOUNG) said, is going to be bringing forward his last appropriations bill before he retires, and so I would like a great round of applause for the gentleman from New Mexico (Mr. SKEEN).

Mr. Speaker, this is, as was said so well by the gentleman from Florida (Mr. YOUNG), an open rule. There has been a lot of confusion about this process, but I want to take a moment to go through a couple of provisions raised by Members.

I oppose authorizing in appropriations bills. I do not believe it is the right thing to do, but sometimes it is necessary. We in the Committee on Rules have worked very diligently to ensure that we address the prerogative of the authorizing committees when we proceed. What that basically means is on rule XXI, which the gentleman from Michigan (Mr. KILDEE) just raised as an issue, if we have opposition that comes from the chairman of the authorizing committee, we in fact do not provide that waiver of rule XXI. So what we have done is we have received a grand total of one letter, and I have it here someplace, and it came from two committee chairmen raising concerns about legislating in an appropriations bill, and it did not have to do with the Indian provisions because under the open amendment process, any Member can rise and strike those provisions that were included in the bill.

The gentleman from Utah (Mr. HANSEN) is here. He is chairman of the Committee on Resources, and he did not choose to object on that issue. So for that reason, we in fact did provide the protection; but a striking amendment will still be in order.

The letter we did receive from the gentleman from Utah (Mr. HANSEN) and from the gentleman from Florida (Mr. YOUNG) deals with the two Everglades provisions. We found strong opposition from the authorizing chairmen who have jurisdiction there. So what we did do, what we chose to do was to make sure that those two issues could in fact be open to a point of order and be stricken.

Now, I will tell Members that every Member of this House who serves on an authorizing committee will, I believe, have some issue that they hope that the Committee on Appropriations does not address, and they, in working with their chairman, can get a letter that is sent to us to ensure that that issue is

addressed appropriately in the Committee on Rules.

We have followed this pattern, which has worked very effectively on both the Indian gaming issue and on the Everglades issue and other concerns that were raised. So I will say to the gentleman from Pennsylvania (Mr. TOOMEY) who raised some concerns, he has the right to strike any provision that is in this bill, and he can offer an amendment to do that. But as the gentleman from Florida (Mr. YOUNG) said, we have to proceed with the appropriations process. It is a priority. It is a constitutional responsibility that we have to appropriate the dollars to deal with our priorities.

I urge Members to support this open rule which is very fair, addresses the concerns of both the authorizing committees and the Committee on Appropriations. Let us pass the rule and pass the bill itself. I urge Members to join with us in doing that.

Mr. HASTINGS of Washington. Mr. 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. The question is on the resolution.

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

Mr. HINCHEY. 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.

#### PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

Mr. Speaker, two points. Am I correct the gentleman has to be on his feet when the vote is called, and it has to be done in a timely manner?

The SPEAKER pro tempore. The Chair recognized the gentleman from New York.

The gentleman from New York objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Following this vote, pursuant to clause 8 of rule XX, the Chair will then put the question on the remaining motions to suspend the rules on which further proceedings were postponed earlier today and then on the motion postponed from Monday, July 15.

Votes will be taken in the following order:

H.R. 4866, by the yeas and nays; and

H. Con. Res. 395, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series.

The vote was taken by electronic device, and there were—yeas 322, nays 101, not voting 11, as follows:

Ackerman	Gekas	Meeks (NY)
Aderholt	Gephardt	Mica
Armey	Gibbons	Millender-
Bachus	Gilchrest	McDonald
Baker	Gillmor	Miller, Dan
Ballenger	Gilman	Miller, Gary
Barr	Gonzalez	Miller, Jeff
Barton	Goodlatte	Mink
Bass	Gordon	Mollohan
Bentsen	Goss	Moore
Berkley	Graham	Moran (KS)
Berman	Granger	Moran (VA)
Berry	Graves	Morella
Biggert	Green (TX)	Murtha
Bilirakis	Greenwood	Neal
Bishop	Grucci	Nethercutt
Blunt	Gutierrez	Ney
Boehlert	Hall (OH)	Northup
Boehner	Hall (TX)	Norwood
Bonilla	Hansen	Nussle
Bono	Harman	Oberstar
Boozman	Hart	Obey
Boswell	Hastings (WA)	Olver
Boucher	Hayes	Ortiz
Boyd	Hayworth	Osborne
Brady (TX)	Hefley	Ose
Brown (FL)	Herger	Otter
Brown (SC)	Hill	Owens
Bryant	Hilliard	Oxley
Burr	Hinojosa	Pastor
Burton	Hobson	Paul
Buyer	Hoeffel	Pelosi
Callahan	Holden	Peterson (MN)
Calvert	Horn	Peterson (PA)
Cannon	Houghton	Petri
Cantor	Hoyer	Pickering
Capito	Hulshof	Platts
Capps	Hunter	Pombo
Capuano	Hyde	Portman
Cardin	Isakson	Price (NC)
Carson (IN)	Israel	Pryce (OH)
Castle	Issa	Putnam
Chambliss	Istook	Quinn
Clay	Jackson-Lee	Radanovich
Clement	(TX)	Ramstad
Clyburn	Jefferson	Rangel
Coble	Jenkins	Rehberg
Collins	John	Reyes
Combest	Johnson (CT)	Reynolds
Cooksey	Johnson (IL)	Rodriguez
Cox	Johnson, E. B.	Roemer
Coyne	Jones (OH)	Rogers (KY)
Cramer	Kanjorski	Rogers (MI)
Crane	Kaptur	Rohrabacher
Crenshaw	Keller	Ros-Lehtinen
Crowley	Kelly	Ross
Cubin	Kennedy (MN)	Rothman
Culberson	Kerns	Roukema
Cummings	King (NY)	Roybal-Allard
Davis (CA)	Kingston	Royce
Davis, Jo Ann	Kirk	Rush
Davis, Tom	Knollenberg	Sabo
Deal	Kolbe	Sandlin
Delahunt	LaFalce	Sawyer
DeLauro	LaHood	Saxton
DeLay	Lampson	Schiff
Diaz-Balart	Langevin	Schrock
Dicks	Lantos	Scott
Dooley	Larsen (WA)	Sensenbrenner
Doolittle	Larson (CT)	Serrano
Doyle	Latham	Sessions
Dreier	LaTourette	Shaw
Duncan	Leach	Shays
Dunn	Levin	Sherman
Edwards	Lewis (CA)	Sherwood
Ehlers	Lewis (GA)	Shimkus
Ehrlich	Lewis (KY)	Shows
Emerson	Linder	Shuster
Engel	LoBiondo	Simmons
English	Lowe	Simpson
Eshoo	Lucas (KY)	Skeen
Etheridge	Lucas (OK)	Skelton
Evans	Lynch	Slaughter
Everett	Manzullo	Smith (NJ)
Farr	Markey	Smith (TX)
Ferguson	Matheson	Smith (WA)
Fletcher	Matsui	Snyder
Foley	McCarthy (MO)	Souder
Forbes	McCarthy (NY)	Spratt
Ford	McCrery	Stearns
Fossella	McGovern	Stenholm
Frank	McHugh	Strickland
Frelinghuysen	McInnis	Stump
Frost	McIntyre	Stupak
Gallegly	McKeon	Sullivan
Ganske	Meehan	Sununu

[Roll No. 302]

YEAS—322

Sweeney	Tiberi	Watt (NC)
Tancred	Tierney	Watts (OK)
Tanner	Towns	Weiner
Tauscher	Turner	Weldon (FL)
Tauzin	Upton	Weldon (PA)
Taylor (MS)	Visclosky	Whitfield
Taylor (NC)	Vitter	Wicker
Thomas	Walden	Wilson (NM)
Thompson (MS)	Walsh	Wilson (SC)
Thornberry	Wamp	Wolf
Thune	Watkins (OK)	Wynn
Tiahrt	Watson (CA)	Young (FL)

## NAYS—101

Abercrombie	Filner	Napolitano
Akin	Flake	Pallone
Allen	Goode	Payne
Andrews	Green (WI)	Pence
Baca	Gutknecht	Phelps
Baird	Hinche	Pitts
Baldacci	Hoekstra	Pomeroy
Baldwin	Holt	Rahall
Barcia	Honda	Regula
Barrett	Hoolley	Rivers
Bartlett	Hostettler	Ryan (WI)
Becerra	Inslee	Ryun (KS)
Bereuter	Jackson (IL)	Sanchez
Blumenauer	Johnson, Sam	Sanders
Borski	Jones (NC)	Schakowsky
Brady (PA)	Kennedy (RI)	Shadegg
Brown (OH)	Kildee	Smith (MI)
Camp	Kilpatrick	Solis
Carson (OK)	Kind (WI)	Stark
Chabot	Klecza	Terry
Clayton	Kucinich	Thompson (CA)
Condit	Lee	Thurman
Conyers	Lofgren	Toomey
Costello	Luther	Udall (CO)
Cunningham	Maloney (CT)	Udall (NM)
Davis (FL)	Maloney (NY)	Velazquez
Davis (IL)	McCollum	Waters
DeFazio	McDermott	Waxman
DeGette	McKinney	Weller
DeMint	McNulty	Wexler
Deutsch	Meek (FL)	Woolsey
Dingell	Menendez	Wu
Doggett	Miller, George	Young (AK)
Fattah	Myrick	

## NOT VOTING—11

Blagojevich	Lipinski	Riley
Bonior	Mascara	Schaffer
Hastings (FL)	Nadler	Trafficant
Hilleary	Pascrell	

□ 1655

Messrs. HOEKSTRA, BLUMENAUER, SANDERS, LUTHER, JACKSON of Illinois, KENNEDY of Rhode Island, CONYERS, DAVIS of Illinois, and BECERRA, and Ms. MCKINNEY, Ms. HOOLEY of Oregon, Mrs. NAPOLITANO, Ms. SOLIS and Ms. VELÁZQUEZ changed their vote from “yea” to “nay.”

Mr. STRICKLAND and Mr. SHAW changed their vote from “nay” to “yea.”

So 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. PASCARELL. Mr. Speaker, I was unavoidably detained due to a personal matter and was unable to be present this afternoon for floor votes.

If I had been present, I would have voted in the affirmative on H. Con. Res. 395, H.R. 4866, and H. Res. 483.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes

the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FED UP HIGHER EDUCATION  
TECHNICAL AMENDMENTS OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4866, as amended, 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 246, nays 177, not voting 11, as follows:

[Roll No. 303]

YEAS—246

Abercrombie	English	Leach
Aderholt	Everett	Lewis (CA)
Akin	Ferguson	Lewis (KY)
Allen	Flake	Linder
Armey	Fletcher	LoBiondo
Bachus	Foley	Lucas (KY)
Baker	Forbes	Lucas (OK)
Baldacci	Fossella	Luther
Ballenger	Frelinghuysen	Maloney (CT)
Barr	Gallegly	Manzullo
Bartlett	Ganske	McCrery
Barton	Gekas	McHugh
Bass	Gibbons	McInnis
Bereuter	Gilchrest	McKeon
Berry	Gillmor	Mica
Biggert	Gilman	Miller, Dan
Bilirakis	Goode	Miller, Gary
Blunt	Goodlatte	Miller, Jeff
Boehlert	Gordon	Mink
Boehner	Goss	Mollohan
Bonilla	Graham	Moran (KS)
Bono	Granger	Morella
Boozman	Graves	Myrick
Boswell	Green (WI)	Nethercutt
Boyd	Greenwood	Ney
Brady (TX)	Grucci	Northup
Brown (SC)	Gutknecht	Norwood
Bryant	Hall (TX)	Nussle
Burr	Hansen	Osborne
Burton	Hart	Ose
Buyer	Hastings (WA)	Otter
Callahan	Hayes	Oxley
Calvert	Hayworth	Paul
Camp	Hefley	Pence
Cannon	Herger	Peterson (MN)
Cantor	Hobson	Peterson (PA)
Capito	Hoekstra	Petri
Carson (OK)	Holden	Phelps
Castle	Horn	Pickering
Chabot	Hostettler	Pitts
Chambliss	Houghton	Platts
Clement	Hulshof	Pombo
Coble	Hunter	Pomeroy
Collins	Hyde	Portman
Combest	Isakson	Pryce (OH)
Cooksey	Issa	Putnam
Cox	Istook	Quinn
Crane	Jenkins	Radanovich
Crenshaw	Johnson (CT)	Ramstad
Cubin	Johnson (IL)	Regula
Culberson	Johnson, Sam	Rehberg
Cunningham	Jones (NC)	Reynolds
Davis, Jo Ann	Keller	Rodriguez
Davis, Tom	Kelly	Rogers (KY)
Deal	Kennedy (MN)	Rogers (MI)
DeMint	Kerns	Rohrabacher
Diaz-Balart	Kind (WI)	Ros-Lehtinen
Doolittle	King (NY)	Ross
Dreier	Kingston	Roukema
Duncan	Kirk	Royce
Dunn	Knollenberg	Ryan (WI)
Edwards	Kolbe	Ryun (KS)
Ehlers	LaHood	Saxton
Ehrlich	Latham	Schaffer
Emerson	LaTourette	Schrock

Sensenbrenner	Stenholm	Upton
Sessions	Stump	Vitter
Shadegg	Sullivan	Walden
Shaw	Sununu	Walsh
Shays	Sweeney	Wamp
Sherwood	Tancred	Watkins (OK)
Shimkus	Tanner	Watts (OK)
Shows	Tauzin	Weldon (FL)
Shuster	Taylor (NC)	Weldon (PA)
Simmons	Terry	Weller
Simpson	Thomas	Whitfield
Skeen	Thornberry	Wicker
Smith (MI)	Thune	Wilson (NM)
Smith (NJ)	Tiahrt	Wilson (SC)
Smith (TX)	Tiberi	Wolf
Souder	Toomey	Young (AK)
Stearns	Turner	Young (FL)

## NAYS—177

Ackerman	Harman	Napolitano
Andrews	Hill	Neal
Baca	Hilliard	Oberstar
Baird	Hinche	Obey
Baldwin	Hinojosa	Olver
Barcia	Hoefel	Ortiz
Barrett	Holt	Owens
Becerra	Honda	Pallone
Bentsen	Hoolley	Pastor
Berkley	Hoyer	Payne
Berman	Inslee	Pelosi
Bishop	Israel	Price (NC)
Blumenauer	Jackson (IL)	Rahall
Borski	Jackson-Lee	Rangel
Boucher	(TX)	Reyes
Brady (PA)	Jefferson	Rivers
Brown (FL)	John	Roemer
Brown (OH)	Johnson, E. B.	Rothman
Capps	Jones (OH)	Roybal-Allard
Capuano	Kanjorski	Rush
Cardin	Kaptur	Sabo
Carson (IN)	Kennedy (RI)	Sanchez
Clay	Kildee	Sanders
Clayton	Kilpatrick	Sandlin
Clyburn	Klecza	Sawyer
Condit	Kucinich	Schakowsky
Conyers	LaFalce	Schiff
Costello	Lampson	Scott
Coyne	Langevin	Serrano
Cramer	Lantos	Sherman
Crowley	Larsen (WA)	Skelton
Cummings	Larson (CT)	Slaughter
Davis (CA)	Lee	Smith (WA)
Davis (FL)	Levin	Snyder
Davis (IL)	Lewis (GA)	Solis
DeFazio	Lofgren	Spratt
DeGette	Lowey	Stark
Delahunt	Lynch	Strickland
DeLauro	Maloney (NY)	Stupak
Deutsch	Markey	Tauscher
Dicks	Matheson	Taylor (MS)
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (MO)	Thompson (MS)
Dooley	McCarthy (NY)	Thurman
Doyle	McCollum	Tierney
Engel	McDermott	Towns
Eshoo	McGovern	Udall (CO)
Etheridge	McIntyre	Udall (NM)
Evans	McKinney	Velazquez
Farr	McNulty	Visclosky
Fattah	Meehan	Waters
Filner	Meek (FL)	Watson (CA)
Ford	Meeks (NY)	Watt (NC)
Frank	Menendez	Waxman
Frost	Millender	Weiner
Gephardt	McDonald	Wexler
Gonzalez	Miller, George	Woolsey
Green (TX)	Moore	Wu
Gutierrez	Moran (VA)	Wynn
Hall (OH)	Murtha	

## NOT VOTING—11

Blagojevich	Hilleary	Pascarell
Bonior	Lipinski	Riley
DeLay	Mascara	Trafficant
Hastings (FL)	Nadler	

□ 1706

Mr. MCINTYRE changed his vote from “yea” to “nay.”

Mr. BERRY changed his vote from “nay” to “yea.”

Mr. GUTIERREZ changed his vote from “present” to “nay.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.