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Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick  
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LaFalce  
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Lipinski  
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Lofgren  
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Lucas (KY)  
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Luther  
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Markey  
Mascara  
Matheson  
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McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Mica  
Millender-  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, George  
Miller, Jeff  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
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Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Pence  
Peterson (MN)  
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Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Putnam

Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ross  
Rothman  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schakowsky  
Schiff  
Schroek  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Skeen  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (MS)  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
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Watt (NC)  
Watts (OK)  
Weiner  
Weldon (FL)  
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Weller  
Wexler

Whitfield  
Wicker  
Wilson (NM)

Wilson (SC)  
Wolf  
Woolsey

Wu  
Wynn  
Young (FL)

# NAYS—4

Duncan  
Flake

Kerns  
Paul

## NOT VOTING—28

Bachus  
Barcia  
Blumenauer  
Bonior  
Callahan  
Calvert  
Clayton  
Condit  
Conyers  
Dooley

Ehrlich  
Gilchrest  
Israel  
Maloney (NY)  
McDermott  
McKinney  
Meek (FL)  
Mink  
Ros-Lehtinen  
Roukema

Shadegg  
Simpson  
Smith (MI)  
Stump  
Thompson (CA)  
Thurman  
Waxman  
Young (AK)

□ 1649

Mr. HASTINGS of Florida changed his vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, on rollcall No. 422 I was inadvertently detained. Had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. ENGLISH. Mr. Speaker, on the morning of September 26, 2002, due to an official meeting at the White House, I was unable to place votes on three items:

If I had been present, I would have voted “yea” on H.R. 2215, “no” on the Journal, and “yea” on the motion to instruct conferees on H.R. 3295.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.J. RES. 111, CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 111) making continuing appropriations for the fiscal year 2003, and for other purposes; the joint resolution shall be considered as read for amendment; the joint resolution shall be debatable for 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

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

Mr. NUSSLE. Mr. Speaker, I reserve the right to object so that I may enter into a colloquy with the very distinguished chairman of the Committee on Appropriations.

The resolution that we have before us that the very distinguished chairman of the Committee on Rules is bringing up under this unanimous-consent request is based on what might be re-

ferred to as “a rate not to exceed the current rate” for fiscal year 2002. Is it the gentleman’s understanding that this would effectively carry forward appropriations from last year’s supplementals that were designated as emergencies?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman is correct. The bill carries forward all amounts that were appropriated in fiscal year 2002, including amounts that were designated as an emergency. However, as in all previous continuing resolutions, the Office of Management and Budget has the flexibility under this CR to not extend funding for one-time items.

Mr. NUSSLE. Will the very distinguished gentleman work with me on the next continuing resolution that we understand will be necessary to ensure that one-time, nonrecurring emergency designated expenditures are not included in the base used to calculate the current rate of operations?

Mr. YOUNG of Florida. If the gentleman will yield further, it is not my intention that any true one-time nonrecurring expenditures from last year’s supplementals be included in the base of any continuing resolution. It is my understanding that under any short-term CR, the Office of Management and Budget can avoid funding one-time items.

Mr. NUSSLE. This short-term CR would, if it were to last for an entire year, provide, according to the Congressional Budget Office, \$744.3 billion in budget authority which in fact would not exceed the appropriate level in the budget resolution because defense is assumed to continue at last year’s level. However, if it were annualized and the defense and military construction bills were enacted at even the House-passed levels, it would exceed the budget level by \$8.2 billion. Of course, that assumes that these emergencies would continue. Will the gentleman assure the House and work with me in assuring the House that any further future continuing resolutions will come in under, on an annualized basis, the \$749 billion in new budget authority assuming the enactment of the defense and MILCON bills at the levels requested by the President?

Mr. YOUNG of Florida. If the gentleman will yield further, the gentleman’s estimate is correct only if you assume that one-time spending continues. No one else has included such items in their estimates, including OMB. So it is my intent that any CR provide the most limited funding possible under a current rate. If the defense and military construction bills are enacted and the 11 remaining bills are funded at a current rate and OMB exercises its authority as it has in the past to not extend one-time funding, the total annualized funding under a CR would be below \$749 billion. I would

also remind the House that it is imperative that we pass the remaining fiscal year 2003 bills.

Mr. NUSSLE. If I may reclaim my time, Mr. Speaker, I compliment the gentleman on his work to do just that, and I thank the hard work of the Committee on Appropriations in trying to accomplish that goal and will stand by the gentleman to work with him to accomplish that goal.

Mr. YOUNG of Florida. I would like to respond in kind to my friend from Iowa, the chairman of the Committee on the Budget.

Mr. DREIER. If the gentleman will yield under his reservation, I would like to congratulate both the Committee on the Budget and the Committee on Appropriations; and it is an honor to stand between the two very distinguished chairmen of these committees, Mr. Speaker.

Mr. NUSSLE. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I simply want to confess my bafflement. We are one working day from the end of the fiscal year. We had expected to have this proposal on the floor yesterday; and we have been held up for more than a day, as I understand it, by the misgivings of the distinguished chairman of the Committee on the Budget about the resolution that the Committee on Appropriations had intended to bring to the floor yesterday.

I simply want to reiterate what the distinguished chairman of the Committee on Appropriations said, that we are very close to the end of the string on this fiscal year and we cannot afford any more delays. I would also point out, I find it somewhat ironic that the Committee on the Budget, as represented by the Chair, has been raising these concerns, legitimate concerns, I might say, about the complicated and sometimes uncertain nature of continuing resolutions. We all know that continuing resolutions are imperfect instruments for extending the authority of the government to function because they have many anomalies and they do not take into account many of the other legitimate anomalies that occur in funding requirements.

Just yesterday, for instance, the Secretary of Transportation was in my office discussing his need for one such adjustment in order to be able to provide what that agency felt was necessary under some of the homeland security provisions. But I simply want to say that the Committee on Appropriations has tried to produce the regular bills which would have made unnecessary a continuing resolution, but it has been the unrealistic budget resolution produced by the Committee on the Budget chaired by the distinguished gentleman from Iowa that is at the root of the problem to begin with, because he has

chosen, along with some of his colleagues in the majority caucus, to try to enforce rigidly that resolution to the point where it has been impossible to bring bills to the floor that would achieve enough votes in the majority caucus to pass, much less the minority caucus.

We are stuck here, for instance, still unable to bring up the Labor-Health-Education bill because people are insisting that we stick to the budget resolution and the allocation provided under it to the Labor-Health-Education bill. And because that bill has been bogged down by an internal war in the majority party caucus, we have not been able to bring the other bills forward to finish the basic work that we have.

So I find it somewhat ironic that at the last day, virtually the last day that we have to send this to the Senate before both bodies leave for the weekend, that the committee that has caused the problems in the first place is still producing the doubts about this instrument which was made necessary by their own lack of realism in the first place. I think that needs to be made quite clear.

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

Mr. OBEY. I yield to the gentleman from Iowa.

Mr. NUSSLE. I know the gentleman will most likely have the last word on this, so I will make my comments brief; but I have a slightly different take on who might be responsible here. The rules of the House may not permit me to be quite as specific as I might like, but there are two bodies that have to have a budget, have to complete a process in order to be successful. This body passed a budget. The gentleman may not agree with it. It may be difficult. These are difficult times. But at least the House of Representatives has completed its work on a budget and did so back before the deadline of April 15. If there was a better budget, a better proposal, a better outline and a better plan, we have yet to see it. It has yet to materialize in either the gentleman's caucus or the other body, as it is referred to. That may happen, but until then I would at least suggest that there may be more responsibility to go around than where he pointed the responsibility in his comments here just a moment ago.

I appreciate the gentleman yielding.

□ 1700

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. Let me simply respond by saying I think that is a red herring. The fact is that it is not the fault of the other body that this House has only produced five of the 13 appropriation bills. The other body is not even supposed to consider appropriation bills until they are reported and handled in this body. So, I think it is quaint indeed to blame the body which is supposed to act after we act for the

fact that we have not acted in the first instance.

The fact is that this House has produced final action on only five of 13 appropriation bills. We have the responsibility to finish all 13 of them. This is the worst record that the House has had in finishing its appropriations work of the last 15 years. The last time we had such a serious problem was the year after the Reagan tax cuts were passed and the Congress was trying to find ways, after those tax cuts resulted in huge additions to the deficit, to take additional money out of appropriations bills. So we got hung up in 1981.

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

Mr. OBEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, if the gentleman will yield for a procedural comment, I made a request that there be 2 hours of debate once there is agreement in the House to this unanimous consent request that I have just proffered. This is a fascinating exchange that is taking place between the chairman of the Committee on the Budget and the ranking minority member of the Committee on Appropriations. I would like to think if we could accept this unanimous consent request to have 2 hours of debate, we could continue it under that procedure.

Mr. OBEY. Mr. Speaker, reclaiming my time, so would I. But let me simply say we have been held up by the actions of the Committee on the Budget and the internal war in the Republican caucus for 8 months. We have been held up for the last 26 hours by the gentleman from Iowa and his concerns. With all due respect, I make no apology for taking 5 minutes to express my unhappiness about it.

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, I am not asking anyone to apologize. I am just suggesting we start the 2 hours of debate and continue this exchange.

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

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

Mr. FRANK. Mr. Speaker, it has been my experience that not everybody following the debate fully understands the rules. The gentleman from Wisconsin knows them well, both the rules of the House and the rules of the Committee on Appropriations.

Is there any rule, law, statute, constitutional principle that in any way hinders this House from taking up appropriations bills whenever it wants because somebody else has not done anything?

Mr. OBEY. Mr. Speaker, reclaiming my time, of course not. That is the problem. This House has ducked its responsibility for 8 months, and is now looking for a way to get out of town without having voted on the specifics.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 111, and that I may include tabular and extraneous material.

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

There was no objection.

#### CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 111) making continuing appropriations for the fiscal year 2003, and for other purposes.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 111 is as follows:

#### H.J. RES. 111

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2003, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2002, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1));

(3) the Department of Defense Appropriations Act, 2002, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1));

(4) the District of Columbia Appropriations Act, 2002;

(5) the Energy and Water Development Appropriations Act, 2002, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1));

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 2002;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002;

(9) the Legislative Branch Appropriations Act, 2002;

(10) the Military Construction Appropriations Act, 2002;

(11) the Department of Transportation and Related Agencies Appropriations Act, 2002;

(12) the Treasury and General Government Appropriations Act, 2002; and

(13) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 2002 or prior years, for the increase in production rates above those sustained with fiscal year 2002 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during fiscal year 2002: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2002.

SEC. 105. (a) For purposes of section 101, the term "rate for operations not exceeding the current rate"—

(1) has the meaning given such term (including supplemental appropriations and rescissions) in the attachment to Office of Management and Budget Bulletin No. 01-10 entitled "Apportionment of the Continuing Resolution(s) for Fiscal Year 2002" and dated September 27, 2001, applied by substituting "FY 2002" for "FY 2001" each place it appears; but

(2) does not include any unobligated balance of funds appropriated in Public Law 107-38 and carried forward to fiscal year 2002, other than funds transferred by division B of Public Law 107-117.

(b) The appropriations Acts listed in section 101 shall be deemed to include supplemental appropriation laws enacted during fiscal year 2002.

SEC. 106. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 4, 2002, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2002 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2003 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. For the Overseas Private Investment Corporation Program account, for the cost of direct and guaranteed loans, at an annual rate not to exceed \$19,000,000, to be derived by transfer from the Overseas Private Investment Corporation non-credit account, subject to section 107(c).

SEC. 113. Activities authorized by section 403(f) of Public Law 103-356, as amended by section 634 of Public Law 107-67, and activities authorized under the heading "Treasury Franchise Fund" in the Treasury Department Appropriations Act, 1997 (Public Law 104-208), as amended by section 120 of the Treasury Department Appropriations Act, 2001 (Public Law 106-554), may continue through the date specified in section 107(c) of this joint resolution.

SEC. 114. Activities authorized by title IV-A of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue in the manner authorized for fiscal year 2002 through December 31, 2002 (notwithstanding section 1902(e)(1)(A) of such Act): *Provided*, That grants and payments may be made pursuant to this authority at the beginning of fiscal year 2003 for the first quarter of such year, at the level provided for such activities for the first quarter of fiscal year 2002: *Provided further*, That notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SEC. 115. Activities authorized by section 1722A of title 38, United States Code may continue through the date specified in section 107(c) of this joint resolution.

SEC. 116. In addition to amounts made available in section 101 and subject to sections 107(c) and 108 of this joint resolution, such sums as may be necessary for contributions authorized by 10 U.S.C. 1111 for the