

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HASTINGS of Washington.

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, to final passage without intervening motion except: (1) one hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

Page 1, line 4, strike "inserting 'November 22, 2002.'" and insert "inserting 'October 18, 2002.'".

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. HASTINGS).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. FROST. 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.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 13, as follows:

[Roll No. 459]

YEAS—225

Aderholt	Boozman	Collins
Akin	Brady (PA)	Combest
Armey	Brady (TX)	Cox
Bachus	Brown (SC)	Crane
Baldacci	Bryant	Crenshaw
Ballenger	Burr	Cubin
Barr	Burton	Culberson
Bartlett	Buyer	Cunningham
Barton	Callahan	Davis, Jo Ann
Bass	Calvert	Davis, Tom
Bereuter	Camp	Deal
Biggert	Cannon	DeLay
Billirakis	Cantor	DeMint
Blunt	Capito	Diaz-Balart
Boehlert	Castle	Dicks
Boehner	Chabot	Doolittle
Bonilla	Chambliss	Dreier
Bono	Coble	Duncan

Dunn	Kennedy (MN)	Rogers (KY)
Ehlers	Kerns	Rogers (MI)
Ehrlich	King (NY)	Rohrabacher
Emerson	Kingston	Ros-Lehtinen
English	Kirk	Ross
Everett	Knollenberg	Royce
Ferguson	Kolbe	Ryan (WI)
Flake	LaHood	Ryun (KS)
Fletcher	Latham	Saxton
Foley	LaTourette	Schaffer
Forbes	Leach	Schrock
Fossella	Lewis (KY)	Sensenbrenner
Frelinghuysen	Linder	Sessions
Galleghy	LoBiondo	Shadegg
Gekas	Lucas (OK)	Shaw
Gibbons	Manzullo	Shays
Gilchrest	McCrery	Shaw
Gillmor	McHugh	Shimkus
Gilman	McInnis	Shuster
Goode	McKeon	Simmons
Goodlatte	McKinney	Simpson
Goss	Mica	Skeen
Graham	Miller, Dan	Smith (MI)
Granger	Miller, Gary	Smith (NJ)
Graves	Miller, Jeff	Smith (TX)
Green (WI)	Mollohan	Souder
Greenwood	Moran (KS)	Stearns
Grucci	Morella	Sullivan
Gutknecht	Murtha	Sununu
Hansen	Myrick	Sweeney
Hart	Nethercutt	Tancredo
Hastings (WA)	Ney	Tauzin
Hayes	Northup	Taylor (NC)
Hayworth	Norwood	Terry
Hefley	Nussle	Thomas
Herger	Osborne	Thornberry
Hilleary	Ose	Thune
Hobson	Otter	Tiahrt
Hoeffel	Oxley	Tiberi
Hoekstra	Paul	Toomey
Horn	Pence	Upton
Hostettler	Peterson (PA)	Vitter
Houghton	Petri	Walden
Hulshof	Pickering	Walsh
Hunter	Pitts	Wamp
Hyde	Platts	Watkins (OK)
Isakson	Pombo	Watts (OK)
Issa	Portman	Weldon (FL)
Istook	Pryce (OH)	Weldon (PA)
Jenkins	Putnam	Weller
Johnson (CT)	Quinn	Whitfield
Johnson (IL)	Radanovich	Wicker
Johnson, Sam	Ramstad	Wilson (NM)
Jones (NC)	Regula	Wilson (SC)
Kanjorski	Rehberg	Wolf
Keller	Reynolds	Young (AK)
Kelly	Riley	Young (FL)

NAYS—193

Abercrombie	DeFazio	Jackson-Lee
Ackerman	DeGette	(TX)
Allen	Delahunt	Jefferson
Andrews	DeLauro	John
Baca	Deutsch	Johnson, E. B.
Baird	Dingell	Jones (OH)
Baldwin	Doggett	Kaptur
Barcia	Dooley	Kennedy (RI)
Barrett	Doyle	Kildee
Becerra	Edwards	Kilpatrick
Bentsen	Engel	Kind (WI)
Berkley	Eshoo	Kleczka
Berry	Etheridge	Kucinich
Bishop	Evans	LaFalce
Blagojevich	Farr	Lampson
Blumenauer	Fattah	Langevin
Borski	Filner	Lantos
Boswell	Ford	Larsen (WA)
Boucher	Frank	Larson (CT)
Boyd	Frost	Lee
Brown (FL)	Gephardt	Levin
Brown (OH)	Gonzalez	Lewis (GA)
Capps	Gordon	Lipinski
Capuano	Green (TX)	Lofgren
Cardin	Hall (TX)	Lowey
Carson (IN)	Harman	Lucas (KY)
Carson (OK)	Hastings (FL)	Luther
Clay	Hill	Lynch
Clayton	Hilliard	Maloney (CT)
Clement	Hinchee	Maloney (NY)
Clyburn	Hinojosa	Markey
Condit	Holden	Mascara
Conyers	Holt	Matheson
Costello	Honda	Matsui
Cramer	Hooley	McCarthy (MO)
Crowley	Hoyer	McCarthy (NY)
Cummings	Inslee	McCollum
Davis (CA)	Israel	McDermott
Davis (FL)	Jackson (IL)	McGovern
Davis (IL)		McIntyre

McNulty	Rangel	Strickland
Meehan	Rivers	Stupak
Meeks (NY)	Rodriguez	Tanner
Menendez	Roemer	Tauscher
Millender	Rothman	Taylor (MS)
McDonald	Roybal-Allard	Thompson (CA)
Miller, George	Rush	Thompson (MS)
Moore	Sabo	Thurman
Moran (VA)	Sanchez	Tierney
Nadler	Sanders	Towns
Napolitano	Sandin	Turner
Neal	Sawyer	Udall (CO)
Oberstar	Schakowsky	Udall (NM)
Obey	Schiff	Velazquez
Olver	Scott	Visclosky
Owens	Serrano	Waters
Pallone	Sherman	Watson (CA)
Pascarell	Shows	Watt (NC)
Pastor	Skelton	Waxman
Payne	Slaughter	Weiner
Pelosi	Smith (WA)	Wexler
Peterson (MN)	Snyder	Woolsey
Phelps	Solis	Wu
Pomeroy	Spratt	Wynn
Price (NC)	Stark	
Rahall	Stenholm	

NOT VOTING—13

Baker	Ganske	Reyes
Berman	Gutierrez	Roukema
Bonior	Lewis (CA)	Stump
Cooksey	Meek (FL)	
Coyne	Ortiz	

□ 1842

Mrs. THURMAN, Mr. BOUCHER and Mr. RANGEL changed their vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida? There was no objection.

□ 1845

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 580, the rule just adopted, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 122, as amended pursuant to H. Res. 580 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date specified in section 107(c) and inserting "October 18, 2002".

SEC. 2. Section 101(2) of Public Law 107-229 is amended by striking "section 15" and all

that follows through “(Public Law 103-236), and”.

SEC. 3. Section 114 of Public Law 107-229 is amended by inserting before the colon at the end of the first proviso the following: “: *Provided further*, That section 3001 of the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) is amended by striking subsection (d), and such amendment shall take effect as if included in such Act on the date of its enactment”.

SEC. 4. Section 117 of Public Law 107-229 is amended to read as follows:

“SEC. 117. (a) The Congress finds that section 501 of title 44, United States Code, and section 207(a) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) require that (except as otherwise provided in such sections) all printing, binding, and blankbook work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office.

“(b) No funds appropriated under this joint resolution or any other Act may be used—

“(1) to implement or comply with the Office of Management and Budget Memorandum M-02-07, ‘Procurement of Printing and Duplicating through the Government Printing Office’, issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

“(2) to pay for the printing (other than by the Government Printing Office) of the budget of the United States Government submitted by the President of the United States under section 1105 of title 31, United States Code.”.

SEC. 5. Public Law 107-229 is amended by adding at the end the following new sections:

“SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, and December 1, 2002, may continue to be made.

“SEC. 121. Notwithstanding any other provision of this joint resolution, the annual rate of operations for the Commodity Futures Trading Commission (CFTC) Salaries and Expenses Account shall not exceed \$71,960,000 and shall include the cost of lease of office space for the CFTC’s New York regional office at an annual rate not to exceed \$1,949,000.

“SEC. 122. In addition to funds made available in section 101, the Department of Justice may transfer to the Immigration User Fee Account established by section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)) such sums as may be necessary from unobligated balances from funds appropriated to the Immigration and Naturalization Service by Public Law 107-77 and division B of Public Law 107-117, at a rate not to exceed \$90,000,000 for the first quarter, through the date specified in section 107(c): *Provided*, That the sums transferred under this section shall be reimbursed from the Immigration User Fee Account by not later than April 1, 2003.

“SEC. 123. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations of General Legal Activi-

ties (GLA) in the Department of Justice, \$7,300,000 available during fiscal year 2002 from the Executive Office of the President shall be credited to GLA for purposes of administering the Victims Compensation Program.

“SEC. 124. Activities authorized by the Parole Commission and Reorganization Act, P.L. 94-233, as amended, may continue through the date specified in section 107(c).

“SEC. 125. Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such funds, from fee collections in fiscal year 2003, shall be available for the Securities and Exchange Commission to continue implementation of section 8 of Public Law 107-123.

“SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds at a rate in excess of the rate under authority applicable prior to October 1, 2002 to cover payments that would be funded under the heading ‘Repayment of Loans and Interest’.

“SEC. 127. No funds appropriated in this joint resolution or any other Act may be used to implement any restructuring of the Civil Works Program of the US Army Corps of Engineers which would involve the transfer of Civil Works missions, functions, or responsibilities from the US Army Corps of Engineers to any other executive branch agency or department without explicit congressional authorization.

“SEC. 128. Notwithstanding any other provision of this joint resolution, during fiscal year 2003, direct loans under section 23 of the Arms Export Control Act may be made available for Poland, gross obligations for the principal amounts of which shall not exceed \$3,800,000,000: *Provided*, That such loans shall be repaid in not more than 15 years, including a grace period of up to 8 years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs of these loans: *Provided further*, That the Government of Poland shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with the loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of Poland prior to any disbursement of loan proceeds: *Provided further*, That no funds made available to Poland under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

“SEC. 129. Notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect until the date specified in section 107(c).

“SEC. 130. Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to John F. Mink, widower of Patsy Mink, late a Representative from the State of Hawaii, \$150,000.

“SEC. 131. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations for the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA), the amount transferred by Public Law 107-206 from TSA to FEMA shall be credited to TSA, and such amount shall be deducted from FEMA.

“SEC. 132. Activities authorized by section 24 of the United States Housing Act of 1937 (24 U.S.C. 1437v) may continue through the date specified in section 107(c) of this joint resolution.

“SEC. 133. (a) Each specified department or agency shall, by December 6, 2002, submit directly to the Committees on Appropriations a report containing an evaluation of the effect on the specified management areas of operating through September 30, 2003, under joint resolutions making continuing appropriations for fiscal year 2003 that fund programs and activities at not exceeding the current rate of operations.

“(b) For purposes of subsection (a):

“(1) The term ‘specified department or agency’ means a department or agency identified on page 49 or 50 of the Budget of the United States Government, Fiscal Year 2003 (H. Doc. 107-159, Vol. I), except for the Department of Defense.

“(2) The term ‘specified management areas’ means the following management priorities described in the President’s Management Agenda (August 2001): strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration.

“SEC. 134. (a) The Director of the Office of Management and Budget shall submit to the Committees on Appropriations a monthly report on all departmental and agency obligations made since the beginning of fiscal year 2003 while operating under joint resolutions making continuing appropriations for such fiscal year.

“(b) Each report required by subsection (a) shall set forth obligations by account, and shall contain a comparison of such obligations to the obligations incurred during the same period for fiscal year 2002.

“(c) Reports shall be submitted under subsection (a) beginning 1 month after the enactment of this section, and ending 1 month after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

“(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

“(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

“SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02-06, Supplement No. 1, dated October 4, 2002.

“SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107-229, as amended.

“SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Federal-aid highways program for fiscal year 2003 shall be \$31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003

shall not exceed \$27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation.”.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 580, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would announce to the House that the legislation before us, H.J. Res. 122, is the third continuing resolution for fiscal year 2003. It extends the date of the original CR that took us to midnight tomorrow night until midnight, Friday of next week, October 18th. The terms and conditions of the CR, the original CR remain in effect. We have gone over these terms twice already, so I will not go through them again. However, because the calendar has caught up with us a bit, we did have to add some new anomalies.

First of all, we provided funding to meet the fiscal year 2001 caseload for all appropriated entitlements, including child nutrition programs, food stamp programs, Medicaid grants to States, payments to Medicare trust funds, trade adjustment assistance programs, veterans entitlements, and supplemental security income payments. One of the new anomalies also provides for a 60-day window to process Medicare part B premiums for certain Medicaid-Medicare dual eligibles under a provision that expires on December 31, 2002.

In addition, new anomalies would provide funding adjustments for the following programs to ensure sufficient resources when we calculate the operating rate for the period of the CR, and those include the Commodity Futures Trading Commission, Immigration User Fee Account, Victims Compensation Program, Securities and Exchange Commission, District of Columbia repayment of loans and interest, Transportation Security Administration, and the Federal Aid Highway program.

This particular CR also provides legislative authorization to implement a new, no-subsidy cost to the United States, \$3.8 billion foreign military financing 15-year loan to the Government of Poland so they can purchase 48, F-16 aircraft from the United States. And it is important that we do this in a timely fashion because there is competition; and if, by a certain date in November, this financing arrangement has not been agreed to, the Poles are going to another buyer or provider.

It extends the otherwise expiring authorizations for the U.S. Parole Commission and the HOPE 6 revitalization of severely distressed public housing program through the date of the CR, and prohibits the transfer of civil

works missions of the Corps of Engineers to other agencies. It reinstates the dual-use authority, through the date of the CR, to allow the Export Import Bank to make loans that may include military equipment. It includes a correction to the Department of Justice authorization bill as passed by the House in H. Con. Res. 503, and provides a gratuity to the widow of our late friend and colleague, Patsy Mink, the late Representative from the State of Hawaii. It requires reports from agencies of the executive branch on the effects of operating under a full year CR and monthly reports on obligations; and I certainly hope that a full year CR does not happen.

Mr. Speaker, there are some other comments that I could make about what we are doing here, why we are here and why we are not doing something else, but I will reserve for now.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this House has precious little time left in this session. Today we finished important business on Iraq. We worked across the aisle with Republican colleagues to come up with that resolution. We could use that same type of framework to get more of the Nation's business done if the Republican leadership would put aside their my-way-or-the-highway attitude and reach across the aisle to work out a bipartisan economic plan for our country.

We should not be passing 7-day CRs when the Republican leadership has no plan to actually complete the Nation's business when people are looking to us for leadership.

I will vote against this continuing resolution.

Since we returned from our August recess, we have done nothing, practically nothing of substance aside from the Iraq resolution. We have had nothing on the schedule. We have spent all of our time, the people's time, on meaningless "Non-Sense of the House" resolutions urging the Senate to pass tax cuts for the wealthy beginning in 2011. Their resolutions have no legal force. Their so-called economic program would affect no one until 2011. What are people going to do between now and 2011? People are suffering today. They are receiving their 401(k) statements this week. The stock market is falling like a lead balloon. People are out of work, and they are giving up hope of finding new jobs.

This economy is in the tank and some people have been put out of work through no fault of their own and many cannot find a new job. The Republican leadership has a failed economic plan that has contributed to the conditions that we are living with today. Republicans cannot even pass a budget to provide for the Nation's critical priorities. A responsible House right now

would be addressing the people's serious concerns that they face in their day-to-day lives.

In the few remaining days, this Congress should extend unemployment benefits for people who are still trying to find work in a struggling economy, pass a real pension bill that helps secure people's retirement savings against future Enrons, close the loophole that allows corporations to incorporate overseas to avoid paying taxes. We could pass a good generic drug reform bill that will help lower the cost of prescription medicine now, and we could finish our legislation for education, health care, worker programs so that we can make good on our commitment to actually leave no child behind, and we could provide adequate resources to ensure excellent health care for our Nation's seniors and provide our workers with adequate help to weather these rough times.

If Republicans continue to duck their responsibilities, there will be serious consequences in people's lives. Their inability to act will lead to cuts in education, homeland defense, medical care for veterans, and the National Institutes of Health; and the chairman of the Committee on Appropriations has made this plain.

I think the inaction today is unacceptable.

As we did earlier today, we need to come together on a bipartisan plan of action to solve our serious economic problems and address the most important problems people are facing right now. Let us not leave here before we address that agenda. Let us not have a 7-day continuing resolution. Let us have a 1- or a 2-day continuing resolution. Let us stay here and do the people's work. We will not win the war against terrorism if the economy of this country is imploding around our ears. We will only beat terrorism if we have a strong economy with good jobs and good wages for the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

I have to suggest to the distinguished minority leader, and he is distinguished, and I have a lot of respect for him, and I understand being in the minority. I served in this House for 24 years in the minority, so I know what it means to be in the minority.

But when he says that we did not pass a budget, he is wrong. That is not accurate. We passed a budget. And when we could not get it through the whole process because the other body would not pass one, we deemed our own budget. So the House did its job. It was not our fault that the other body controlled by the other party refused to even take up a budget. Just like in the House, their party did not offer a substitute for our budget.

So, yes, Mr. Minority Leader, we passed a budget and when we could not get in conference with the other body, we deemed our own budget here in this House. So I just wanted to correct that.

Then I wanted to say to the gentleman about ducking responsibilities, I have avoided getting into the partisanship and the political business here in this House. A lot of it takes place, and that is natural. We are approaching an election. I have done my best to keep the official business of the appropriations process on a non-partisan, on a bipartisan, on a productive basis, what is good for the country. But, Mr. Speaker, my party did not duck its responsibilities. We have had a very productive year in this House of Representatives, only to find our efforts stymied by the other body who refused even to take it up. One of the appropriations bills that we passed early on they worked on for 3 weeks, and could not pass it, so they pulled it off of consideration. Talk about ducking responsibilities. We passed that bill.

Anyway, Mr. Speaker, as the Speaker knows, I seldom get exercised to that extent.

Mr. Speaker, I yield 3 minutes to the very honorable gentleman from Alaska (Mr. YOUNG), my distinguished colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again admonish Members that it is not appropriate to characterize the action or inaction of the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, it is unfortunate we cannot do that.

Mr. Speaker, I rise in support of this joint resolution making further continuing appropriations for fiscal year 2003.

In consultation with my good friend, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and in consultation with the leadership, I am pleased that this resolution ensures that the Federal highway program will continue at the fiscal year 2002 rate of \$31.8 billion. This reverses the Office of Management and Budget's surprising decision last week to reduce the highway program to a \$27.7 billion rate of operations. This decision was contrary to the Congress's intent that programs be continued at the current rate until final appropriation bills can be agreed to and enacted.

The language in this joint resolution is in no way binding with regard to the final fiscal year 2003 transportation appropriations bill that will eventually be enacted. This year's final highway funding level will be appropriately determined at a later date in the context of House and Senate negotiations on that bill.

□ 1900

In the meantime, this resolution ensures that funding for the highway program will continue at the fiscal year 2002-enacted rate of \$31.8 billion. This will protect the good-wage jobs and make our infrastructure whole.

Again, I want to stress this has been done with the work of the minority on

my committee and myself and the leadership of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the Speaker of the House.

We will continue what we said we were going to do. When there is a budget, when there is an appropriation bill, when there are negotiations done, that can be a different date and a different amount. Now we are on the right track to make sure that our highways are continuing to be built and rebuilt, and that our bridges are built and repaired, also.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I know the chairman of the committee did not intend to misspeak, because much of what he said I totally agree with. That is, it is not the Committee on Appropriations that has in fact got us to this point of impasse, but it is the leadership of their party that has us here. It is their unwillingness to bring the appropriation bills under the budget that passed the House, that everybody talks about. That is what is keeping us held up.

The misspeaking, Mr. Speaker, was when he said no one on this side of the aisle offered a budget alternative.

I do not know how many times I have to take to the floor to remind everyone, and Members can check this in the RECORD, we brought a substitute amendment, the Blue Dog Democrats, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Indiana (Mr. HILL), we brought an alternative budget to the floor of the House. We respectfully asked the majority to allow us to debate that on the floor of the House, and we were denied.

So I would appreciate it if no further Members on the other side would say that no one on this side of the aisle offered an alternative, a substitute budget, because some of us did but were prevented by the same leadership that has got us into the impasse tonight; and it is not the Committee on Appropriations.

Mr. Speaker, they would have a much stronger argument if they brought the appropriation bills to the floor under the budget that they passed, and they would have had a much better argument tonight and last week and the week before that and next week if they had passed all 13 appropriation bills, because some of us on this side of the aisle will support them, regarding that budget that everybody talks about.

I have been here 24 years, and I remember all of the years in which appropriators said, when I was on the Committee on the Budget, we really do not need you folks. We honestly do not need the Committee on the Budget, be-

cause we can do the job ourselves. It is amazing here now, suddenly listening, week after week after week, they now are suddenly saying that the only reason they cannot do their work is because the Senate did not pass a budget. Now everybody in here knows better than that.

We had a very impassioned speech a moment ago from the gentleman from Alaska (Mr. YOUNG) talking about the transportation bill, et cetera. Well, if we just did our work, then we could point could point the finger to the other body, and there would be enough blame to go around.

But I will say tonight, Mr. Speaker, the only blame that can honestly be affixed to why we are in this position tonight is on the leadership on the other side of the aisle that have refused to do that which they insist that the Senate do; that is, live by a budget.

We could do it, or at least we could try. Why did they not bring the other eight appropriation bills to the floor of the House and allow them to be discussed and debated? Where are they? If they are going to point the finger of blame, it has to start right here, I believe.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding time to me.

Mr. Speaker, I am pleased to support this resolution, as it contains a provision clarifying that, under this continuing resolution, the Federal Highway Program will be funded at \$31.8 billion. This continuing resolution is designed to be a temporary measure continuing funding for government programs at current levels until annual appropriation bills for 2003 can be enacted into law.

I know the Committee on Appropriations has approved a bill with a \$27.7 billion obligation limitation for the Federal Highway Program, while the Senate Appropriations Committee has funded the program at \$31.8 billion. A final level of funding will be decided later as the appropriation process continues. This process in no way ties our hands in determining what the final appropriation level should be.

Again, the purpose of the CR is to continue funding at the current rate; and it should not be used to inhibit Congress's prerogative to set final spending levels for this budget year, which I hope will be at the Senate level.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, despite the comments that have been made about highway funding levels, the language is clear. It indicates that the total obligations will be \$27,700,000,000, instead of the \$31.799 billion that were available in the previous fiscal year. That \$27 billion level cannot be changed unless a

subsequent appropriation bill passes to change it.

So the fact is that this bill does single out highways for a reduction below last year, when almost no other program is asked to bear that kind of a reduction. That will result in 200,000 fewer construction jobs.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I rise because there have been references already made to education. I know in previous CRs there have been comments about education. I want to commend our chairman, and I want to tell the Members why I am supporting this.

I am not at the pay grade to answer some of the questions that have been raised by the gentleman from Texas (Mr. STENHOLM) and others, but I am at the pay grade end of the knowledge to know that this Congress increased education funding in the 2002 budget by 18 percent. Every nickel of that under a CR is being forwarded and appropriated again in this continuing resolution, the largest increase in investment America has made in its poorest and most deserving students in decades.

For 35 years, we spent \$125 billion on Title I, and our lowest-performing students did not move up a percentile in improvement. But in No Child Left Behind, 373 Democrats and Republicans, including great leadership from the gentleman from California (Mr. GEORGE MILLER), forged through No Child Left Behind. This gentleman forged through the largest increase in education spending and funded the President's program.

This continuing resolution brings forward every single improvement that we made, 1 billion new dollars for Reading First, Early Reading First; money for the testing we now require to show that we have accountability for the performance we seek; and the \$1 billion increase we put in the supplemental just last year in Pell grants.

So while there may be arguments over leadership and timing and what we are and are not doing, no one should tell us that we are not making the investment in our children and that this CR somehow cuts that investment. It brings forward the largest single increase in education funding this Congress has made with the accountability the American people sought and desired and wanted.

Today, in the classrooms of America, under a continuing resolution, children are learning to read, schools are being held accountable, performance will begin improving. When we reach a final determination on the next budget, we will continue to do what this Congress has done, Republicans and Democrats alike, and that is improve the lives of our children.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, that is one of the most selective and interesting rewrites of history I have heard on this House floor in at least an hour. I would like to give a little different interpretation of what has happened to education funding.

It is most certainly true that in each of the last 5 years we have provided substantial increases for education. That was, and the RECORD will show, that was because the Democratic Members of this House had to pull the majority party Members of this House kicking and screaming into supporting higher education levels.

Last year, the gentleman talks about the very large increase in education funding we had. That is correct. That is because the Democrats on the Committee on Appropriations again pounded the White House day after day until we forced them to accept a \$4 billion increase in the President's education budget.

So that means that over the last 5 years, on average, with prodding from the minority party in this House and the then minority party in the Senate, the Democratic minority, we had an average increase per year for education funding of about 13 percent.

The President followed that up with the No Child Left Behind Act, which most of us supported. That promised a continuation of that very steep trajectory for education funding. This is too small a chart to show it, but the chart nonetheless demonstrates what that trajectory was. That No Child Left Behind Act promised that we would provide very substantial increases in funding for the next 5 years to continue the progress that we had made the last 5 years.

Instead, this continuing resolution is freezing the budget funding for education. That means that, on a per child basis, it is cutting education funding for the kids who need it most.

The gentleman is shaking his head no. Check the numbers on per child appropriations for children who need funding for language programs, children who do not speak English as a first language. They are being cut in the President's budget by 10 percent in real terms on a per child basis.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman makes an important point. If in fact the test is whether or not we are going to go to the President's budget or whether or not we are going to go forward with the appropriations bills, which I think both the chairman and the gentleman from Wisconsin would pass to increase education funding but are being held up, if we go back to the President's budget, we have a real cut of about \$90 million below last year in the No Child Left Behind Act, a real cut of \$90 million.

The gentleman makes a very important point.

Mr. OBEY. Mr. Speaker, there is no question that if the majority party on the Committee on Appropriations were left to its own devices that we would have a very respectable and decent education appropriation bill.

The gentleman from Ohio (Mr. REGULA) is a strong champion of education, and so is the gentleman from Florida (Mr. YOUNG). But the fact is when that committee began to move forward to produce such a bill which provided those increases for education, they were cut off at the pass by the most reactionary elements in the majority party caucus. Those elements went to leadership and said, if you appropriate one dime for education above the President's budget, we are going to bring down the labor, health, education bill.

They further said that, until you produce an education funding level freeze at the level of last year for education, that they would not support any other appropriation bills. That is why we are wrapped around the axle. Let me continue with other categories.

Title I, the No Child Left Behind Act promised that we would have an increase in funding of at least \$4 billion this year. Instead, they got a \$1 billion increase financed by other cuts in other education programs aimed at the same children.

Then if we take a look at handicapped education, we increased them annually by over \$1 billion over the last 3 years. We wanted to do so again on a bipartisan basis, both sides of the aisle. Under the President's budget, we cannot do that. The President's budget falls half a billion dollars below where we would be if we kept the trajectory going that we had established the last 3 years for that program.

Mr. Speaker, I would invite the gentleman to review the report which we just issued called "All Rhetoric, No Resources." It will demonstrate the facts that I have tried to illustrate.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I would say to the distinguished ranking member on the Committee on Appropriations, the chart is small. I cannot see it. In fact, I have my glasses off, and I can hardly see the gentleman right now.

I would ask the gentleman, is it not true that the chart that he showed was the level of authorizations for education over the next 5 years?

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

Mr. ISAKSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. No, it is not.

Mr. ISAKSON. I ask the gentleman, what did he show?

Mr. OBEY. This chart showed the appropriation increases that we had the last 5 years.

Mr. ISAKSON. The last 5 years?

Mr. OBEY. The last 5 years. Then it shows the fact that the President's budget essentially freezes that appropriated number.

Mr. ISAKSON. I do not want to put any words in the distinguished gentleman's mouth, but I kept hearing the word "cut."

Mr. OBEY. No. What I said is that, on a per student basis, if we take English as a second language programs, that those programs were cut on a per child basis in real terms by 10 percent, because we have an increasing population and inflation and the President's freeze does not provide for that.

□ 1915

Mr. ISAKSON. Reclaiming my time, and hoping for a brief response, would the gentleman agree with me that in real dollars between the 2002 budget and the operation of a continuing resolution in 2003, there is not a cut in expenditures this year versus last year?

Mr. OBEY. In real dollars, no, I would not agree with that. There is, as the gentleman from California said, \$80 million cut in real terms.

Mr. ISAKSON. Again, without getting into detail, I am talking about overall, not in a program like bilingual or anything else, but I am talking about overall appropriation, in the aggregate, not by program.

Mr. OBEY. You need \$90 million to keep up with the No Child Left Behind Act, and on a per-student basis, you have to look at this on a per-student basis to see what is happening on a per-child basis.

Mr. ISAKSON. Reclaiming my time, and I am sorry to interrupt, but I do not want to take any more time than I should, this continuing resolution continues to fund education at the level in the aggregate, and I am not going to yield any more time, you will have plenty more, that we passed in the 2002 budget. The authorization levels, I will admit, are higher. I also know the 5-year plan, and I do not have the quote in hand, the authorization of the President is a substantial increase over that period of time. But that is a time out in the future.

The only point I am trying to make for the benefit of the people in the United States of America that may be listening is that by continuing the appropriations that we made last year this year, until we resolve this budget, we are not reducing the amount of money that we are investing in education.

You were making a point that by doing it and by not funding it at either the authorization level or by taking certain programs in it, we are reducing it. That is the only point I want to make. I appreciate the gentleman's time. I continue to support the resolution because I know the sincere interest this Congress has, Republican and Democrat alike, in seeing to it that America's most disadvantaged children get the very best shake they have ever had. No Child Left Behind did it. And

last year we made the most significant increase in education funding, which is being continued through this CR, this Congress has ever made.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the fact is over the last 5 years we had average annual increases for education of almost 13 percent. That progress is being brought to a screeching halt. The dollar amount in aggregate is being frozen at last year's level, which means because there are more students, especially in these needy categories, that on a per-student basis we have a real reduction in education at a time when State governments and local governments are also pulling the plug on education. The result: contrary to No Child Left Behind, there are going to be hundreds of thousands of kids who are left behind and they are going to be the most vulnerable kids in America.

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

Mr. OBEY. I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. I want to agree with about three-fourths of what the gentleman said.

The increase has been 13 percent over the last 5 years. The gentleman is absolutely correct. The continuing resolution continues those increases until we pass a Labor-HHS budget. My point is, it is unfair to say that until we have passed that that anybody has cut anything. And the gentleman actually verifies the point I have been making in terms of the substantial investment this Congress has made in improving education which is being continued.

Mr. OBEY. No, I do not grant that at all and I do not verify that.

The fact is the increases are not being continued by the continuing resolution. The increases are being brought to a screeching halt. You are now freezing the progress we have been making on a bipartisan basis for the last 5 years. That is what you are doing. Your own subcommittee on appropriations, own Republican members know that is not enough. They want to provide more but they are not being allowed to do so by the most right wing elements of your caucus. That has been in the newspapers. You have all told me that. You know what the facts are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, first I want to say thanks to the chairman of the Committee on Appropriations, who is in the unenviable position of getting battered by everybody all of the time. I appreciate that of the cardinals and our appropriators.

On the one hand, some of us most right wing elements of the Republican Party, as I and others are sometimes called, criticize the Committee on Appropriations for spending too much.

Then others say they are not spending enough.

The fact is that every year when we get to the final appropriations bills, I have supported the Committee on Appropriations because they have tried to work within a budget, and we understand that it is a system in which the Senate is probably going to come up with a higher number. We come in. We like to have a budget. We would like to work it out and probably the numbers are going to be higher than our initial numbers and lower than their numbers.

I know it is very frustrating for the appropriators because often inside the majority will of our conference may be different than their particular goals. They see all the requests that all of us put into the Committee on Appropriations, and at the same time try to balance what are the long-term goals. We have had extraordinary increases in the amount in education. We have just heard basically 65 percent over the last 5 years. All of the sudden we are facing a deficit in this country. We do not want interest rates to go up. We do not want inflation to go up. Yes, we do not want to leave any child left behind.

We are trying to work this out. This CR gives us more time to work out a compromise with the Senate where those final numbers can be agreed upon. Labor-HHS appropriations bill is always the toughest. It is always at the end. It certainly will not be resolved, most likely, in the last few weeks before an election. It is easy to be outside of power and to criticize those who are inside power, but I want to thank our appropriators and our leadership for trying to work this through.

Hopefully, we can finally get some of the appropriations bills through. They are likely to be higher than some of the conservatives would like. And they are likely to be lower than some of the liberals would like. But that is how you get a balanced budget that does not drive up interest rates, that does not kill inflation and also gives children in America the best education possible.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the fact is this continuing resolution is a cut of \$372 million below the President's budget and a 2.4 percent cut in real terms after adjusting for inflation and enrollment growth. That translates on a per-child basis into a cut.

We can pretend it is not in Washington, but at the local level, that is a cut that is felt.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this sham of a continuing resolution.

We are back again for a third time because this Congress refuses to do the work it is responsible to do. Tonight it is not only the American taxpayer who is suffering, but specifically it is the

thousands of men and women, firefighters, police officers, EMT, volunteers, iron workers, laborers who were the first people to respond to the World Trade Center attack on September 11 of last year. These are the men and women who responded to the attack upon our Nation, who looked for survivors, cleared debris, and began the rebuilding process amidst the most difficult and extreme conditions.

The President and this Congress promised \$90 million for the health care of the workers at Ground Zero. The thousands of workers who again were the first to respond and rushed down to Ground Zero are only now starting to show the signs of exposure to the most heinous of contaminants. Their afflictions include asthma, sinusitis, chemical bronchitis, and psychological distress.

Thirty-five thousand workers were exposed, but only 3,000 have been screened. Fifty percent of those screened have respiratory illness. Fifty percent of those screened need additional psychological assistance. This administration said that \$90 million was too much. This was after President Bush was at Ground Zero promising \$20 million to New York to rebuild.

The most this Congress could do was \$12 million for the health of workers. But tonight in this CR they are saying to the firefighters, police officers, those who worked 18 hours a day-plus at Ground Zero in its darkest days, those who sifted through the debris to find their fallen brethren and sisters, their health does not matter.

The message is loud and clear in this CR. This Congress promised the workers at Ground Zero \$90 million. The word of the Republican congressional leadership to those heroes is worthless. The value of the work done by those workers at Ground Zero is priceless. The behavior of the Republican leadership in this House is simply shameless.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much, and if I could ask the attention of the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY) for just a moment if he has a minute.

One of the things I have learned over the last 8 years being here and getting the opportunity to preside from time to time is that there is not a more abler Member of this body than the gentleman from Wisconsin (Mr. OBEY) or the gentleman from Florida (Chairman YOUNG) when it comes to the appropriations process. And I am just a slug transporter who believes in building roads and bridges and dredging harbors and things of that nature.

When this continuing resolution came out the other day, we were very upset on our side of the aisle, as was the gentleman from Minnesota (Mr. OBERSTAR) and the Democrats on the Committee on Transportation and In-

frastructure, because we were told that the original language would put us at the \$27 billion mark for the fiscal year, which was in violation of the \$4.4 billion that we thought we restored.

We notified our leadership that we would en masse vote against the rule for this continuing resolution unless the language was changed. The language was in fact changed, and today we were told that this continuing resolution spends out the transportation trust fund at \$31.8 billion until October 18. I guess I am asking the gentleman because he is a lot smarter than I am, were we hoodwinked or do we have to go back to our leadership and say that somehow they have fooled us or is that in fact the case?

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

Mr. LATOURETTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I am not sure I got the full import of the gentleman's question. All I can say is, if we read the language of the provision in the CR before us, it says that "total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003, shall not exceed \$27,700,000,000 unless otherwise specified in a subsequent appropriations act."

Now, there may be a deal in the works to raise that number in the future. But the number we are voting on right now, in fact, contains a \$4 billion reduction in what can be made available to States in comparison to the CR that we are operating under right now.

Mr. LATOURETTE. Can the gentleman tell me at all what the difference is on the language we are voting on tonight as compared to what was in the CR when it first came out of the committee yesterday? Because, again, we were told that the significant changes, that this spends out at \$31.8 billion until this CR expires next Friday. And if that is not accurate, then we have a bone, I suppose, to pick with the leadership on our side of the aisle.

Mr. OBEY. Frankly, I do not know what the original language was that the gentleman was shown. All I know is the language that we are voting on right now, and it contains a \$4 billion cut from the existing continuing resolution.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman. I thank the chairman for his work and for yielding me time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to congratulate the majority party in this House on the success of the Republican economic plan.

About 22 months ago the Bush administration roared into town and rammed a record more than \$1 trillion tax cut for millionaires through this Congress, when both Houses were controlled by the Republican Party.

What is the record since then? Unemployment is increasing, job creation has reversed. The jobs that were created during the previous decade have now fallen off. Poverty is on the rise. Poverty in America is increasing again. For the previous 9 years, the poverty rate went down in America, year after year after year. Last year, the first year of this administration, as a result of an economic program rammed through this House, the poverty rate is going back up again and this year it is the same thing.

Incomes are falling. The fact of the matter is the rich are getting richer and everybody else is getting poorer as a result of this great economic plan. Hundreds of thousands of Americans are now filing for bankruptcy. Mortgage foreclosures across the country are at record highs.

The Federal budget deficit is increasing. Two years ago we had a budget surplus of almost \$87 billion. This year the on-budget deficit will be \$314 billion. That is a \$400 billion turnaround in less than 2 years. This represents the largest budget decline in U.S. history in that period of time; the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 when the first Bush was the President.

□ 1930

The continuing resolution that we are being asked to pass today has to be seen in the context of this plan. We are passing this continuing resolution because we have not been able to pass appropriations bills; and we have not been able to pass appropriations bills, not because of the work of the Committee on Appropriations, because the Committee on Appropriations, under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, has done its work. We have not been able to pass the appropriations bills because this House passed a budget resolution this year which was unreasonable and impossible to meet because of that tax cut.

We are not able to fund the needs of the American people, and perhaps that is why we have frozen education spending.

That is why the wanted Leave No Child program is essentially not advancing the interests of one single child in America, because we have not put a nickel in the Leave No Child Behind program, and this is probably why we are reducing funding for transportation in this continuing resolution by another \$4 billion, because the budget resolution that we have is unreasonable and unrealistic, and we are unable to get a spending program that meets the needs of the people of this country. That is the problem we face right now.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we are here tonight because the other body has not had a good year. It is a fact that the United States Senate did not pass a budget. It is a fact that the United States Senate has not passed the faith-based initiative. It is a fact that the United States Senate has not passed welfare reform. The Senate has not passed pension reform. They have not passed the energy package. And during a time of war when an unprecedented attack on America has taken place, they have not even been able to pass homeland security.

In fact, it appears to me that the only thing the other body has had time to do is kill presidential appointments and judicial nominees, something they are very proud of.

Yet we in the House, we are ready with our appropriation bills. We are ready with our appropriation process.

As my colleagues know, Mr. Speaker, we cannot sit down with another body when they do not have a budget, when there is no top end to it. If we sit down right now with a group, the House has a budget, the House has a bottom line and a top line. The Senate does not, because they do not have a budget. We cannot go into negotiations with somebody like that. It is like asking our kids to limit their Christmas list. They are not going to do it. They are just going to keep on wishing and wishing and wishing.

I notice something curious here tonight, Mr. Speaker. So much of the problems seem to come back to the tax reduction for middle class families that the President started and was overwhelmingly supported by the American people. But if I am hearing correctly, the Democrats are suggesting that that is the problem. Therefore, should they win the majority back, I can only assume that their plan is to increase taxes. Because if they do not want to increase taxes, obviously they are going to cut Social Security or defense spending to fund these other programs.

I know they do not want to cut Social Security and they do not want to tax it, because they taxed it in 1993 under President Clinton when the Democrats were in charge of this House. And we Republicans, unlike the Democrats, we have no plans to tax Social Security. We have no plans to cut Social Security. I am concerned that if the Democrats take back over there might be some hidden scheme, but I am hearing over and over again so much of this is because of the tax reduction.

So the only conclusion a logical, objective listener could come to is that the Democrats want to increase taxes as a way to eliminate what they consider a budget shortfall. I do not know that there is a budget shortfall. I still am amazed that in Washington that a cut is considered a reduction in the expected increase, and I still find that mind-boggling in itself.

I want to say this, we are ready to roll in the House. It is just too bad that the other body decided not to pass a

budget this year, because we cannot sit down and negotiate with somebody who does not have a bottom line or a top line.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to refrain from characterization of Senate action.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I am going to give the gentleman from Georgia my Alibi Ike of the Cosmos Award tonight for that speech.

Let us put the record straight. The Senate has not passed three appropriation bills which the House has sent to it, the Legislative bill, Interior, Treasury and Post Office. That constitutes about 10 percent of the entire domestic budget. The House has not yet considered 90 percent of the domestic budget, the eight appropriation bills that it is still to deliver.

The gentleman says, "Oh, you cannot sit down and negotiate an appropriations bill with the other body if they have not passed a budget resolution." We just did. We just passed a DOD bill today, and we just passed a Military Construction bill today, and both of those passed despite the fact that, guess what, the Senate had not passed an irrelevant budget resolution on those either.

All it proves is that when the majority party in this House wants to pass an appropriation bill, they can find a way to do it, and to duck it, when they want to duck it, I tell you they are World Series class in ducking them, and that is what they have done this year.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, we are really living under the budget that passed the majority in the House. We are really living under this budget.

What has it given us? We have borrowed \$400 billion over the last 12 months, enforcing the budget that passed the House, regardless of whether the Senate passes a budget or not because we are living under this one. That is what we are living under.

It is amazing, the gentleman from Georgia who just spoke a moment ago, it was amazing what he said. Basically, we need to pass the appropriation bills. It has nothing to do with a budget. Pass the appropriation bills that my colleagues' budget called for and then send them to the Senate. Then they can have a quarrel with the other body, but yet we keep wanting to blame the other body for us not doing our work.

I do not understand that, and I am on the floor on behalf of the budget. I have no quarrel with the appropriators, but I have a lot of quarrel with the leadership on the other side that has tried the blame game instead of dealing with doing our work.

Just today, the same Blue Dog group asked that we be allowed to have in the continuing resolution the PAYGO and the spending caps.

We want to enforce some level of spending. I am perfectly willing to live with the level in my colleagues' budget. I am perfectly willing to live with that. That is what the Blue Dogs said this year with one exception. We said, when the new estimates came in in August, if we were spending Social Security trust funds, let us sit down and revisit the budget to see whether or not we really want to continue down that road. That is what they refused to let us do.

Next week, I am told we are going to have another tax cut. Where is that tax cut going to come from? Right out of the Social Security trust funds, period. Any additional spending that anybody wants to spend for any purpose is coming right out of the Social Security trust funds or the Medicare trust fund, but yet we will have that because the same leadership believes that is good politics, and, boy, the ads come out at home for the opponent as we talk about this.

Let me repeat, and anyone that wants to challenge me, I would welcome almost a little bit of debate from the leadership on that side, because many times I make these statements and the phone starts ringing, this guy from Texas is just shooting his mouth off about spending and what have you, and nobody comes in and challenges it. Well, if what I am saying is not true, I would welcome and yield to the other side.

We asked to put some restraints on it. The leadership said, no thanks, we do not want PAYGO. We want to pass another tax cut next week so that we can run on that, and we do not want to talk about that is going to come out of the Social Security trust funds, which is where it is going to come.

The Concorde Coalition has warned that, unless we put some budget enforcement, we are going to run into bigger troubles. How much bigger can we get? The deficit has gone up \$400 billion. One would not think so listening to the leadership on this side. One would think the deficit has come down in the brilliant leadership of the last 2 or 3 years. It has gone up in the last 12 months \$400 billion, and it is going to go up another \$300 billion in the next 12 months. That is the fact, and yet here we are trying to do our work, a CR.

The appropriators are trying to do their work. They do not have a chance. They have got an 8,000 pound weight tied around their neck because of the lack of the leadership in this body to do what we should do, is do our work. If we do our work, my colleagues would be surprised at what might happen.

Mr. OBEY. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining and the gentleman from Florida (Mr. YOUNG) has 8½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

It is really incredibly unfortunate, and when we see that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Georgia (Mr. ISAKSON) and myself, we are arguing over education, and given the chance, all four of us would increase this year's education budget as it should properly be increased, as it is called for under Leave No Child Behind, and we would be able to deal with the Senate and get an increase for America's schoolchildren, but we are prevented from doing that because the Republican leadership will not let that bill come to the floor.

The gentleman from Georgia (Mr. KINGSTON) says we cannot do that because we do not have a budget. We just passed a Military Construction bill without a budget. We just passed a Defense appropriations bill without a budget. We sent the Interior bill to the Senate without a budget. For 200 years we did not have a budget in this country, but this Committee on Appropriations, they fought the Second World War, they fought the Korean War, they fought the Depression, they launched a great society, they created Medicare, they created Social Security, and we did not have a budget, but we built America.

All of a sudden today we feel because we do not have a budget we cannot take care of the needs of America's schoolchildren, of America's teachers, of our school districts, because we do not have a budget.

It is just a phony argument. The fact of the matter is, the Republican leadership does not want to bring to the floor the Education budget as it is being insisted on being brought to the floor by the most right wing element of the Republican Caucus because it is an insufficient number for Education. They do not want to admit it before the election.

The States have cut \$9 billion because of the economy from the Education budget. The least we can do is uphold the Federal role in that effort, but we are told we cannot do it because we do not have a budget, and yet we are going to have a \$50 billion tax cut bill out here next week. We do not need a budget to do that.

The American public ought to be getting terribly tired of this argument. I know the Members of Congress are getting terribly tired of it, because most of us on both sides of the aisle would like to do our work, finish up, go home, see if we can get our option renewed for another 2 years with the public and get on about the public's business, but that is being thwarted here.

The terrible thing is here it is not the punishment of us, it is not the punishment of the President or the Committee on Appropriations or any other committee in this Congress. It is starting to punish the schoolchildren of this

country. Because this is not the money that we need to carry out the reforms that we have insisted upon as a Congress on a bipartisan basis to change the educational experience of the poorest children in this country, but that cannot be done without this money.

School districts and States all over this country are engaging in the most dramatic reforms of the education systems at the local level in the last 30 years, and we told them we would give them the money to help them do that, and this budget does not do that. In 1 year's time we have broken faith. This was a 12-year contract with the school districts of this country, and in the first year, in the first year, the Republican leadership in the House of Representatives and the President's budget have broken faith with those school districts, with those school board members, with those parents and with those children.

Give us the Health and Education appropriations bill so we can vote on it up or down. Let us go.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Chairman, I really do not feel like saying anything else. We have chewed this cud so many times now, as they say in my part of the country. The fact is that there are many Republicans and many Democrats who want to do right by the children of this country, and the fact is if the Committee on Appropriations had been allowed to proceed with its original plans, we would have produced a budget which did, in fact, keep the promises of the No Child Left Behind Act.

Instead, however, because of an internal war in the Republican Caucus, the committee has been reduced to going through these motions time and time again. We are being slow walked and slow danced to the end of the session. The leadership desperately wants to get out of town without ever having voted on some of these issues until after the election.

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We cannot do much about that in the minority except point it out and hope that the people who want action to improve the quality of their schools will understand and hold this Congress accountable, even though this Congress is turning itself into a pretzel trying to avoid accountability on issues as crucial as education.

I regret that. I know that a lot of Members of the majority party as well regret it, but they have a leadership which is being held captive by their most extreme Members and they are as helpless as we are on this right now.

With that, Mr. Speaker, I thank the gentleman from Florida for trying to do the right thing, even though he has been blocked many times in trying to meet his responsibility, and I thank the Chair for his courtesy.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and all the members of the Committee on Appropriations on both sides of the aisle for having worked together so well this year to get our work where we are prepared to move, with very little notice, to complete this appropriations process. And it has been a good bipartisan effort.

On a bipartisan note, I wanted to thank the gentleman from Texas (Mr. STENHOLM). He and I exchanged some words earlier in the debate. He mentioned just in the last few minutes about the \$400 billion increase in the debt. I want to talk about that just for a couple of minutes.

He is right. He has been a trooper in this House ever since he came here to try to balance the budget, as have many of us been here to try to balance the budget. But I think the gentleman from Texas would agree with me in what I am about to say. The discretionary appropriation bills that the gentleman from Wisconsin and I and our chairman and ranking members present to the House are not the real culprit in the deficit. Mandatory spending, back-door spending, spending over which the appropriations process has no control whatsoever, that is the problem.

For every dollar that we appropriate through our discretionary funds, there are two additional dollars, two additional dollars for every one that is spent through back-door spending, through mandatory programs. The latest example: the farm bill, the agriculture bill, which was like \$106 billion over the baseline for a 10-year period. That is a lot of money over the baseline. But some of those who are giving us trouble on the discretionary spending bills lined up and voted for that bill. The director of the Office of Management and Budget, who has put such a top line lid on discretionary spending, signed off on that big agriculture bill.

So we have to be consistent. If we are going to control this budget deficit, we have to turn off both spigots. We watch the discretionary; we watch the mandatory. Because mandatory spending programs spend \$2 for every \$1 that we appropriate in the discretionary programs.

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

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to agree with him totally regarding his statement on the discretionary spending.

But I would also point out the record will show that the farm bill the gentleman talks about this year will save \$5.6 billion from that mandatory spending as a result of the work of the Committee on Agriculture. But I agree with the gentleman on the general gist of it. It is ridiculous for us to be talking about discretionary spending being the

culprit in the \$400 billion. The gentleman is absolutely correct.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, this has been an interesting afternoon. Changes came and went and were never implemented, but we are finally at the point to vote on this continuing resolution to keep the government functioning beyond midnight tomorrow night, and to keep us going until midnight Friday of next week.

I am satisfied that between now and then we will have another exercise very similar to this one. I look forward to that exercise, and I am sure all the Members of the House do. But for now, I would just ask the Members to vote this CR and let us adjourn for the night.

Mr. NUSSLE. Mr. Speaker, I rise in strong support of H.J. Res. 122, making continuing appropriations for fiscal year 2003.

While the Congressional Budget Office has yet to release an estimate of this bill, it appears to adhere to both the letter and the spirit of the budget resolution agreed to by the House and supported by the President.

Even once the defense bill just agreed to and the house-passed military construction bill became law, this CR will be fully consistent with the budget resolution.

Under the leadership of the distinguished Chairman YOUNG, the Appropriation Committee has gone to great lengths to avoid carrying forward almost \$16 billion in one-time spending that was provided in response to September 11th.

Moreover, the Appropriations Committee has accomplished this without sacrificing Congressional prerogatives. Rather than cede authority to the Executive branch to make these determinations, the Appropriations Committee has wisely identified each of these one-time expenditures.

Once again, I want to commend Chairman YOUNG and all the Members of the Appropriations Committee for their work on this bill. I strongly urge all my colleagues to support the resolution.

Mr. BLUMENAUER. Mr. Speaker, today marks an appropriate conclusion to the closing days of this 107th Congress under the guidance of Republican Leadership. First this House voted to authorize the President for unilaterally use force against Iraq. Next, they passed the largest Department of Defense appropriations bill ever put before Congress. And now we are debating a resolution to put off our remaining funding responsibilities until after the election.

The Republican Leadership continues to stymie the appropriations process because they cannot come to an agreement within their own party on how to fund important programs in the wake of their massive tax cut. Simply continuing funding at fiscal year 2002 level is a way of skirting the tough decisions before the election. However, there are significant consequences to this strategy.

By keeping funding at 2002 levels we are compromising our Nation's security and a host of other important programs that the American people care about. For example, the Coast Guard is awaiting a \$500 million budget increase, which would allow more hires and in-

creased harbor patrols. The current appropriations hold up is threatening \$3.5 billion in anti-terrorism grants for emergency rescue teams. The spending freeze represents a \$372 million cut from the President's budget, which is already grossly inadequate and falls far short of the promises made in the No Child Left Behind Act. The Securities and Exchange Commission will continue to wait for the funding increases promised to protect investors and monitor corporate activities.

Many projects across the country are threatened, even though they have agreements with the federal government, because discretionary funds cannot be allocated without a fiscal year 2003 bill. In Oregon, this threatens \$70 million for Portland's Interstate Max, \$3 million for the Sauvie Island Bridge, and \$2.8 million for Jobs Access.

The Republican Leadership should be embarrassed to turn its back on its responsibilities to return home and campaign instead of dealing with their unfinished business.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 580, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. OBEY. I most certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the joint resolution, House Joint Resolution 122, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 1, beginning on line 4:

Strike "October 18, 2002" and insert "October 12, 2002".

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, virtually all of us want to go home. I think probably the only Member of this body who wants to stay here late into the evening, every evening, because he enjoys it so much, is the gentleman from Pennsylvania (Mr. MURTHA). But outside of him, we would all like to go home and campaign.

Saturday I am scheduled to be in a little town called Thorp, Wisconsin. It is my favorite political event of the year. It is the annual Clark County Democratic dinner. We meet in the basement of the local VFW hall, and we

have the best doggone kielbasa in the United States of America; and I always look forward to that dinner. But I think, in light of what we are neglecting to do in this House, that we should all be here. So I think I ought to be willing to forego that kielbasa and sauerkraut and chicken dinner, and I think all of the other Members of this House ought to be willing to forego what they have planned so that we can get some of our real work done. And that is what this recommit motion tries to accomplish.

The resolution before us is yet another continuing resolution to take us through next Friday. That means that this House will do nothing on appropriation bills between now and next Friday because we have not yet caused inconvenience for Members. I think the time has come to inconvenience Members in order to try to up the pressure on this place to actually get our work done. So this recommittal motion simply changes the date of the continuing resolution before us from October 18 to October 12.

That means, in essence, it is a 1-day CR. It means that I am willing personally to vote to extend the government every day by 1 day in order to keep people here on the job working. But I am not willing to vote for long-term CRs in the absence of an assurance by the leadership on the majority side of the aisle that they will schedule the education appropriation bill, the housing appropriation bill, the agriculture appropriation bill, and the other appropriation bills that we ought to pass to do our duty before we go home.

We have just finished dealing with what we consider our obligations to be with respect to our differences with Iraq. We need now to turn homeward and deal with our obligations to deal with the problems here at home, and the purpose of this continuing resolution is to accomplish that. I would urge a "yes" vote for the motion to recommit because that is the only way that we can force this House to actually bring to the floor the appropriation bills that could allow this Congress to conclude our work with a note of pride.

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

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. YOUNG) claim time in opposition to the motion to recommit?

Mr. YOUNG of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Speaker, the motion to recommit offered by the gentleman from Wisconsin does not really work. I realize that he and I spend so much time together it is hard to create the separation, even for a weekend; but what this would do is a 1-day CR, a 1-day CR, a 1-day CR. And if all we do is a 1-day CR at a time, that is all we do. We would never get down to the real business.

So we cannot agree to this 1-day CR. And I hope that everybody will vote

“no” on the motion to recommit and then vote “yes” on the resolution, so that then we will get back about our business, the rest of our business, after we conclude the CR.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. OBEY. 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.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 15, as follows:

[Roll No. 460]

YEAS—202

Abercrombie	Evans	Lynch
Ackerman	Farr	Maloney (CT)
Allen	Fattah	Maloney (NY)
Andrews	Filner	Markley
Baca	Ford	Mascara
Baird	Frank	Matheson
Baldacci	Frost	Matsui
Baldwin	Gephardt	McCarthy (MO)
Barcia	Gonzalez	McCarthy (NY)
Barrett	Gordon	McCollum
Becerra	Green (TX)	McDermott
Bentsen	Gutierrez	McGovern
Berkley	Hall (TX)	McIntyre
Berry	Harman	McNulty
Bishop	Hastings (FL)	Meehan
Blagojevich	Hill	Meeks (NY)
Blumenauer	Hilliard	Menendez
Borski	Hinchev	Millender-
Boswell	Hinojosa	McDonald
Boucher	Hoefel	Miller, George
Boyd	Holden	Mollohan
Brady (PA)	Holt	Moore
Brown (FL)	Honda	Moran (VA)
Brown (OH)	Hookey	Murtha
Capps	Hoyer	Nadler
Capuano	Inslee	Napolitano
Cardin	Israel	Neal
Carson (IN)	Jackson (IL)	Oberstar
Carson (OK)	Jackson-Lee	Obey
Clay	(TX)	Olver
Clayton	Jefferson	Owens
Clement	John	Pallone
Clyburn	Johnson, E. B.	Pascarell
Condit	Jones (OH)	Pastor
Conyers	Kanjorski	Payne
Costello	Kaptur	Pelosi
Cramer	Kennedy (RI)	Peterson (MN)
Crowley	Kildee	Phelps
Cummings	Kilpatrick	Pomeroy
Davis (CA)	Kind (WI)	Price (NC)
Davis (FL)	Kleczka	Rahall
Davis (IL)	Kucinich	Rangel
DeFazio	LaFalce	Rivers
DeGette	Lampson	Rodriguez
Delahunt	Langevin	Roemer
DeLauro	Lantos	Ross
Deutsch	Larsen (WA)	Rothman
Dicks	Larson (CT)	Roybal-Allard
Dingell	Lee	Rush
Doggett	Levin	Sabo
Dooley	Lewis (GA)	Sanchez
Doyle	Lipinski	Sanders
Edwards	Lofgren	Sandlin
Engel	Lowe	Sawyer
Eshoo	Lucas (KY)	Schakowsky
Etheridge	Luther	Schiff

Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm

Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)

Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

and ISTOOK changed their vote from “yea” to “nay.”

Messrs. FORD, CARSON of Oklahoma, LIPINSKI, NEAL of Massachusetts, HALL of Texas, OBERSTAR, MEEHAN, LANGEVIN, HONDA, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 144, not voting 15, as follows:

[Roll No. 461]

AYES—272

Abercrombie	DeMint	Hyde
Aderholt	Deutsch	Isakson
Akin	Diaz-Balart	Israel
Armey	Dicks	Issa
Bachus	Dooley	Istook
Baker	Doolittle	John
Baldacci	Doyle	Johnson (CT)
Ballenger	Dreier	Johnson (IL)
Barcia	Duncan	Johnson, Sam
Barr	Dunn	Jones (NC)
Bartlett	Edwards	Kanjorski
Barton	Ehlers	Keller
Bass	Emerson	Kelly
Bereuter	Engel	Kennedy (MN)
Biggart	English	Kennedy (RI)
Bilirakis	Everett	Kerns
Bishop	Ferguson	King (NY)
Blagojevich	Flake	Kingston
Blunt	Fletcher	Kirk
Boehrlert	Foley	Knollenberg
Boehner	Forbes	Kolbe
Bonilla	Fossella	LaHood
Bono	Frelinghuysen	Larsen (WA)
Boozman	Gallegly	Latham
Boswell	Gekas	LaTourette
Boucher	Gibbons	Leach
Boyd	Gilchrest	Lewis (CA)
Brady (PA)	Gillmor	Lewis (KY)
Brady (TX)	Gilman	Linder
Brown (FL)	Goode	LoBiondo
Brown (SC)	Goodlatte	Lucas (KY)
Bryant	Gordon	Lucas (OK)
Burr	Goss	Luther
Buyer	Graham	Maloney (CT)
Callahan	Granger	Manzullo
Calvert	Graves	Mascara
Camp	Green (TX)	Matheson
Cannon	Green (WI)	McCarthy (MO)
Cantor	Greenwood	McCrery
Capito	Grucci	McHugh
Cardin	Gutknecht	McInnis
Carson (IN)	Hall (TX)	McKeon
Carson (OK)	Hansen	McKinney
Castle	Hart	Menendez
Chabot	Hastings (WA)	Mica
Chambliss	Hayes	Miller, Dan
Clement	Hayworth	Miller, Gary
Coble	Hefley	Miller, Jeff
Collins	Herger	Mollohan
Combest	Hill	Moore
Costello	Hilleary	Moran (VA)
Cox	Hobson	Morella
Cramer	Hoefel	Murtha
Crane	Hoeckstra	Myrick
Crenshaw	Holden	Napolitano
Cubin	Holt	Nethercutt
Culberson	Horn	Ney
Cunningham	Hostettler	Northup
Davis, Jo Ann	Houghton	Norwood
Davis, Tom	Hoyer	Nussle
Deal	Hulshof	Osborne
DeLay	Hunter	Ose

NAYS—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggart
Bilirakis
Blunt
Boehrlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Hunter
Burr
Burton
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode

Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Grucci
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Hobson
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berman
Bonior
Cooksey
Coyne
Ganske
Hulshof
Jenkins
McKinney
Meek (FL)
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)

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Messrs. FOLEY, TIAHRT, Houghton, REYNOLDS, CASTLE, BLUNT,

Otter
Oxley
Pascarell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman

Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shinkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancred
Tanner

Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

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REPORT ON H.R. 5605, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-740) on the bill (H.R. 5605) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

motion to instruct conferees on H.R. 4. The form of the motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that mandate the use of ethanol in gasoline.

Mr. Speaker, I further have another motion to instruct conferees. The form of that motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that limit the liability of a responsible party for the contamination of groundwater with a fuel or fuel additive.

NOES—144

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Blumenauer
Borski
Brown (OH)
Capps
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa

Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Klecicka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone

Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Santolin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOTING THE PASSING OF THE HONORABLE LAWRENCE H. FOUNTAIN, MEMBER OF CONGRESS FROM 1953-1983

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise to note with sadness the passing today of one of the Tar Heel State's true elder statesmen, the Honorable Lawrence H. Fountain, who represented what was then North Carolina's Second Congressional District between the years of 1953 and 1983.

Congressman Fountain will be remembered as the first champion of improving the relationship and cooperation between Federal, State and local governments, and the father of the first, independent, presidentially-appointed Office of Inspector General.

Congressman Fountain was born in Edgecombe County and attended public schools, including the University of North Carolina. He entered World War II as a private and was promoted to a Lieutenant Colonel. He then came to Congress.

We extend our sympathy to the family, who indeed will receive other expressions of respect at Carlisle Funeral Home in Tarboro, North Carolina. A memorial service celebrating the life of Lawrence H. Fountain will be held at the Howard Memorial Presbyterian Church in Tarboro at 3 p.m. this Sunday, October 13, 2002.

Mr. Speaker, our thoughts and prayers go out to the many friends and family of Congressman Fountain, who is in my district in Tarboro, North Carolina.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY. Mr. Speaker, pursuant to the order of the House of October 9, 2002, I call up the conference report on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of House of Wednesday, October 9, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 8, 2002, at page H 7247.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3295.

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

There was no objection.

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

Mr. Speaker, this has been a long, winding process that is about to conclude tonight, in what I think is going to be known as one of the most important votes that any Member of this body can cast, not only for this session but for the future, for decades to come, of the future of the voting process for the citizens of the United States.

□ 2029

Mr. HUNTER changed his vote from "no" to "aye."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTIONS TO INSTRUCT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

Mr. WAXMAN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a

Berman
Bonior
Burton
Cooksey
Coyne

NOT VOTING—15

Ehrlich
Ganske
Jenkins
Meek (FL)
Ortiz

Reyes
Roukema
Stump
Sununu
Taylor (NC)