

Gibbons	Lucas (KY)	Ros-Lehtinen
Gilchrist	Lucas (OK)	Royce
Gingrey	Majette	Ruppersberger
Gonzalez	Manzullo	Ryan (OH)
Goode	Matheson	Ryan (WI)
Goodlatte	Matsui	Ryun (KS)
Gordon	McCarthy (MO)	Sanchez, Linda
Goss	McCarthy (NY)	T.
Granger	McCollum	Saxton
Graves	McCotter	Schiff
Green (TX)	McHugh	Schrock
Green (WI)	McInnis	Scott (VA)
Greenwood	McIntyre	Sensenbrenner
Gutknecht	McKeon	Serrano
Hall	McNulty	Sessions
Harman	Meek (FL)	Shadegg
Harris	Meeks (NY)	Shaw
Hart	Mica	Shays
Hastings (WA)	Michaud	Sherman
Hayes	Miller (FL)	Sherwood
Hefley	Miller (MI)	Shimkus
Hensarling	Miller, Gary	Shuster
Hinojosa	Mollohan	Simmons
Hobson	Moore	Simpson
Hoefel	Moran (KS)	Smith (MI)
Hoekstra	Moran (VA)	Smith (NJ)
Holden	Murphy	Smith (TX)
Holt	Murtha	Smith (WA)
Honda	Musgrave	Snyder
Hostettler	Myrick	Solis
Houghton	Nadler	Souder
Hoyer	Napolitano	Spratt
Hulshof	Ney	Stearns
Hunter	Northup	Strickland
Hyde	Norwood	Stupak
Inslee	Nunes	Sullivan
Isakson	Nussle	Sweeney
Israel	Ortiz	Tancredo
Issa	Osborne	Tanner
Istook	Ose	Tauzin
Jenkins	Otter	Taylor (NC)
Johnson (CT)	Pascarell	Terry
Johnson (IL)	Paul	Thomas
Johnson, Sam	Pearce	Thornberry
Jones (NC)	Pence	Tiahrt
Kanjorski	Peterson (PA)	Tiberi
Keller	Petri	Toomey
Kelly	Pickering	Turner (OH)
Kennedy (MN)	Pitts	Turner (TX)
Kildee	Platts	Udall (CO)
King (IA)	Pombo	Udall (NM)
King (NY)	Pomeroy	Upton
Kingston	Porter	Visclosky
Kirk	Portman	Vitter
Kline	Price (NC)	Walden (OR)
Knollenberg	Pryce (OH)	Walsh
Kolbe	Putnam	Wamp
Kucinich	Quinn	Watt
LaHood	Radanovich	Waxman
Larsen (WA)	Rahall	Weiner
Latham	Ramstad	Weldon (FL)
LaTourette	Regula	Weller
Leach	Rehberg	Whitfield
Levin	Renzi	Wicker
Lewis (CA)	Reyes	Wilson (NM)
Lewis (GA)	Reynolds	Wilson (SC)
Lewis (KY)	Rogers (AL)	Wolf
Linder	Rogers (KY)	Wu
LoBiondo	Rogers (MI)	Young (AK)
Lofgren	Rohrabacher	Young (FL)

NOT VOTING—23

Ackerman	Hayworth	Miller (NC)
Baird	Herger	Nethercutt
Ballance	Janklow	Oxley
Ballenger	Kilpatrick	Payne
Cardin	Kind	Rush
Conyers	Lipinski	Towns
Gillmor	McCrery	Weldon (PA)
Gutierrez	McDermott	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BE-REUTER) (during the vote). The Chair would advise Members that there is approximately 2 minutes remaining on the 15 minute clock.

□ 1912

Mr. ETHERIDGE and Mr. MEEK of Florida changed their vote from “yea” to “nay.”

Mr. THOMPSON of California and Mr. TIERNEY changed their vote from “nay” to “yea.”

So the motion to adjourn was re-jected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Mem-bers may have 5 legislative days within which to revise and extend their re-marks on H.J. Res. 1 and that I may in-clude tabular and extraneous material.

The SPEAKER pro tempore (Mr. BE-REUTER). Is there objection to the re-quest of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 15, I call up the joint resolution (H.J. Res. 1) making further continuing appropri-ations for the fiscal year 2003, and for other purposes, and ask for its imme-diate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 1 is as follows:

H.J. RES. 1

Resolved by the Senate and House of Rep-resentatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date spec-ified in section 107(c) and inserting in lieu thereof “January 31, 2003”.

SEC. 2. Public Law 107-229, as amended, is further amended in section 120, by striking “and December 1, 2002,” and inserting “De-cember 1, 2002, January 31, 2003, and Feb-ruary 1, 2003.”

SEC. 3. Section 613 of the Treasury and General Government Appropriations Act, 2002, is amended (1) by striking “2001” and “2002” each place it appears and inserting “2002” and “2003”, respectively; and (2) in subsection (a)(1), as so amended, by inserting “(as if effect on September 30, 2002)” after “Act, 2002” and after “such section 613”: *Pro-vided, That such section, as so amended, shall be effective through September 30, 2003, notwithstanding section 107 of this joint res-olution.*

SEC. 4. Public Law 107-229, as amended, is further amended by striking section 137 and inserting the following new section:

“SEC. 137. (a) 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 sums as may be necessary shall be available to the Securities and Exchange Commission for the Secretary of the Treasury to advance start-up expenses to the Public Company Ac-counting Oversight Board pursuant to sec-tion 109(j) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107-204).

“(b) Notwithstanding any other provision of this joint resolution, upon the collection of fees authorized in section 109(d) of the Sarbanes-Oxley Act of 2002 (Pub. L. 107-204), the Public Company Accounting Oversight Board shall reimburse the Securities and Ex-change Commission for any Commission ap-propriations advanced to the Board for start-up expenses pursuant to section 109(j) of such Act or subsection (a) of this section, so as to result in no net effect of such advances on appropriations available to the Commission in fiscal year 2003.”

SEC. 5. (a) APPROVAL OF PROSPECTUS.—For proposes of section 3307(a) of title 40, United

States Code, the prospectus of General Serv-ices Administration entitled “Prospectus—Lease, Department of Homeland Security, Washington, DC Metropolitan Area”, pro-spectus number PDC-08W03, as submitted on December 24, 2002, is deemed approved by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the date of en-actment of this Act.

(b) PROHIBITION ON DELEGATION.—The au-thority of the General Services Administra-tion to lease space under this section may not be delegated to any other department or agency.

(c) MODIFICATIONS.—Any modification to the prospectus referred to in subsection (a) that is subject to approval under section 3307 of title 40, United States Code, shall be ap-proved in accordance with the requirements of such section.

SEC. 6. Section 126 of Public Law 107-229, as added by Public Law 107-240, is amended to read as follows:

“SEC. 126. Notwithstanding any other pro-vision of this joint resolution, except section 107, the District of Columbia may expend local funds for programs and activities under the heading ‘District of Columbia Funds—Operating Expenses’ at the rate set forth for such programs and activities in the revised financial plan and budget for the District Government for fiscal year 2003 submitted to Congress by the District of Columbia pursu-ant to section 138 of H.R. 5521 of the 107th Congress, as reported by the Committee on Appropriations of the House of Representa-tives.”

The SPEAKER pro tempore. Pursu-ant to House Resolution 15, the gen-tleman 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 con-sume.

□ 1915

Mr. Speaker, the legislation before the House, H.J. Res. 1, will extend the current continuing resolution to allow the government to continue to operate through January 31 of 2003. All of the ongoing programs and activities will be continued at current rates under the same terms and conditions as fiscal year 2002, with the exception of funding for programs included in the Defense and Military Construction appropria-tions bills for fiscal year 2003, which have already been enacted into law.

In addition, all the provisions of the previous CRs remain in effect, with one exception: It deletes a provision relat-ing to the rate of operations for the Federal-aid Highways Program that had been enacted as part of the third continuing resolution. Specifically, that CR established total obligations for the highway program while oper-ating under continuing resolutions. Section 4 of this resolution deletes that provision, and Mr. Speaker, it does so with the concurrence of the transpor-tation and infrastructure authorizing committee.

I want everyone to understand this action is going to affect the budget. We have been advised by the Congressional Budget Office that it will score an addi-tional \$1.1 billion in outlays on an

annualized basis against this continuing resolution as a result of that deletion. So we are upping the price, but this was an agreed arrangement. So that is what we are going to do.

The CR also includes five new provisions. I will briefly explain what they are.

Number 1, it will extend the authorities necessary to make entitlement payments to include the Child Nutrition Programs, the Food Stamps Program, Medicaid grants to States, payments to Medicare trust funds, Trade Adjustment Assistance Programs, veterans entitlements and supplemental security income payments through the month of February.

Number 2, it will maintain the annual blue collar worker pay adjustment to be consistent with other Federal pay increases.

Number 3, it will allow for funding for the Public Companies Accounting Oversight Board as established in the Sarbanes-Oxley Act of 2002, Public Law 107-204.

Number 4, it will allow the District of Columbia to spend local funds at the revised budget levels for fiscal year 2003.

Number 5, it will allow the Administrator of General Services to move forward on the GSA prospectus to lease space for the headquarters of the Department of Homeland Security.

Mr. Speaker, we are beginning a new year and a new Congress. We need to get the business of the old Congress behind us. We will explain at a later date how we plan to do this, but this CR gives us time to put that plan into effect.

I do not think this CR is controversial. I am not aware of any controversy. I urge the House to move this legislation to the Senate and then to the President so that there will be no question that the government will continue to operate smoothly and efficiently through January 31.

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

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

Mr. Speaker, what is happening here is that this is the first of two continuing resolutions which the House is going to endeavor to pass tonight. The first is simply a vehicle by which we keep the government open for the next 30 days or so, while the Congress at long last gets about the business of finishing what it should have done last year; namely, virtually all of the domestic appropriation bills.

The second continuing resolution that will be voted on after this one will be an empty vehicle which is sent to the Senate, and the Senate will then use that as the carrying vehicle for the work that they do to put together all of the remaining appropriation bills.

As I was saying, the Senate will then proceed to work its will on the remaining domestic appropriation bills. They will then put them together in one package in the second CR, which we

will send over, and they will come back to the House for an up or down vote as a conference report. That effectively means that the House will have been shielded from any responsibility to take visible positions on virtually all of the issues involved in education, in health care, in the Labor Department programs, in housing programs, in science programs, foreign aid, you name it. That, I believe, is the purpose of this process.

I do not happen to think that is a very healthy process but that is what the plan is. What that means is that tonight represented the only opportunity for Members of this body to speak to any of the issues that would be funded by this continuing resolution.

Now, the rules of the House provide that if the Committee on Appropriations has not passed a new 302(b) allocation, allocating the total resources of the committee that are available to us to the various subcommittees, then the House is precluded from considering an appropriation bill. So last night the Committee on Rules waived that provision for the majority so that the majority is able to proceed with this process today, but they refused to waive it for the minority, which means that we cannot offer any significant or meaningful amendments to the continuing resolution.

If we had not been denied that right, we wanted to offer a \$5 billion package that essentially asked the House to, once again, approve matters which it approved in the supplemental last summer. Half of that would be the \$2.5 billion that we provided for additional homeland security items, additional port protection, additional border protection, additional support to the FBI to modernize its computer system, additional translators and the like. All of that money has already been voted for by 90 percent of the Members of both parties in this House, but it has been effectively impounded by the President who declined to spend that \$2.5 billion, thus leaving this country needlessly exposed on the homeland security front.

The other \$2 billion or so that we wanted to add represented other items that the House had already voted for: The \$274 million which was badly needed for veterans medical care to clean up the backlog at veterans facilities; the \$401 million which was necessary to provide aid to first responders, our police and our firemen at the local level; and \$200 million to assist with anti-terrorist actions on the part of the State of Israel, for instance, all of that has been denied us because the House Committee on Rules essentially said that there should be one set of rules for the majority and another set of rules for the minority.

Now, as I said earlier today on the floor, the purpose of rules in any venue is to see to it that all people are treated the same, and that is true whether you are talking about a San Francisco 49er and New York Giant football game

or whether you are talking about actions on the floor of the House. We are supposed to have rules that apply equally to everybody, but thanks to the misguided and misbegotten action of the Committee on Rules that is not what we are going to have.

So what that means is that this House, which is supposed to be the greatest deliberative body in the world, has been turned into something that much more clearly represents a Soviet Congress than it represents the embodiment of democratic representation.

What this means is that a small group of insider Members in the Republican leadership have essentially decided ahead of time what the outcome should be on all of these appropriation bills, and now they have fixed the process so that there is no practical possibility whatsoever of changing in any way that desired outcome. That may be an effective use of power, but it is a fundamental corruption of the legislative process that goes to the heart of democratic government, and people who engage in that kind of conduct, in my view, should be ashamed of themselves.

So what we are faced with is the necessity to try to use extraordinary means in order to try to gain some ability to define what actions we on this side of the aisle believe are in the best interests of the country. Mr. Speaker, I detest the idea of having to go after House traditions and normal House procedures. I do not like, for instance, to have to try to appeal the ruling of the Chair on matters, but when we are denied the legitimate exercise of our rights to define differences, which is supposed to be the subject of legislative debate, then we are left with no choice but to engage in extraordinary measures as a matter of protest.

Now, we have not created this situation. The House Republican leadership and the House Committee on Rules has. I would urge them to reconsider.

Yesterday, we heard all kinds of nice words about bipartisanship. The Speaker said that we should respect each other. We do not feel that much respect has been shown this institution when the normal processes of this institution are cut short for the partisan convenience of the party that happens to control this House.

□ 1930

So I wanted to explain why it is that we on this side of the aisle are unhappy and why we will be doing what we are doing tonight.

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

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. The gentleman

from Wisconsin has given us an explanation with reference to what is transpiring.

When I came to this body, I had no idea that I would have the privilege to serve on the Committee on Rules. When I was given that opportunity, it became the proudest moment in my limited congressional career. Last night, before we left here, I became rather distressed that the majority does not see fit to grant the minority privileges that the minority at another point in time argued that they should have, I remember very distinctly.

I have great respect for my colleagues on the other side of the aisle. Certainly, the chairman of the Committee on Appropriations is a friend of mine, and I have immense respect for him, his fairness and his ability. But the gentleman from Florida (Mr. YOUNG) is not the person that is in control of the situation with reference to the rule. The chairman of the Committee on Rules also is a friend of mine, and I am not certain that he is in control of what is transpiring with reference to the rule.

What is happening here is we are giving back-room deals new meaning. In essence, what my colleagues have done, if we were to take 10 people, as one Member of Congress here said today, she described it as though we had 10 people and my colleagues put a gag on four and a half of them, so that nearly one-half of America is being denied an opportunity to go forward and put ideas on the table for this body to work its will. That is not fair.

Thus my colleagues will find that there are some of us who, different than the gentleman from Wisconsin (Mr. OBEY) described when he said we are unhappy, some of us are outraged and plain mad about the circumstances we find ourselves in. In fact, what my colleagues are allowing with these two continuing resolutions is absolutely no debate of consequence with reference to matters of immense and enormous magnitude for the good of this country.

Among the things that we say all the time, and on yesterday proudly all of us admired, as we do admire the Speaker of the House, when he cited certain portions of the Constitution that all of us know so well, among those things was to promote the general welfare. Well, we cannot promote the general welfare with dynamic scoring when we are hiding the deficit with creative math. We cannot promote the general welfare when we find ourselves taking "Jefferson's Manual on Parliamentary Procedure" and pitching it into the Potomac River.

We did not have hearings last night. A train hit those of us in the minority in the Committee on Rules, and a train is hitting every member of the minority as well as the majority. My colleagues hurt themselves as much as they hurt us when they do not give us an opportunity to make an adequate presentation on matters of health, on matters of education, on matters of

homeland security; and I could go on and on.

Everybody knows what my colleagues did when they took over the House of Representatives, and they did it by arguing against what the Democrats did that was so wrong then: closed rules. Yet every time we look up, all we see is no opportunity for amendments, no opportunity for supplementals. Nothing in the way of decency is coming forward. I am outraged.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute just to say that I am not going to try to respond to all the political comments that are going to be made here this evening. I understand the minority is upset. They are upset because they are the minority, and I know about that. I served in this House for 24 years under their rule.

And if my colleagues think what our party is doing tonight to manage the business of the House is something wrong, they should go back and look over the 40 years of their own rule. We had more closed rules, we had more autocratic management of this House, we had more weird crazy, creative schemes to get through the legislative process. And, yes, we complained, just like they are complaining tonight.

But we have to get this job done. Come on. We are already beginning to get ready for our 2004 business. We need to get the 2003 business finished. Like I have suggested on other occasions, let us do our politicking somewhere else. Let us do the people's business here tonight. Let us get this CR out of here.

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

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

Mr. Speaker, we are not objecting to this process tonight because we are unhappy we are in the minority. We are in the minority, and we expect to lose 99 percent of the votes around here. But we do not expect to have denied to us the opportunity to at least engage in the debate.

My question is, what is the majority party afraid of? Our colleagues in the majority have the votes, and if they think we are wrong, outvote us. But the Committee on Rules has taken us beyond that. What the Committee on Rules has done is that they have said, "Sorry, we are not going to even allow an opportunity to raise any of these questions."

Now, this issue came up in March of 1999 when the Republicans were also in control. The exact same situation arose. At that time the majority party did the right thing. The Republican Party waived the rule for the majority so that we could proceed, but they also waived the rule so that we could participate equally in the process. That is what the majority party should have done this time around. They should have followed their own earlier example.

I would also say that, in effect, what is happening is that the minority party

is being prevented from doing its job because the majority party neglected to pass a 302 allocation. We did not make the determination on this side that that would not happen; the majority party did. So the minority party is being penalized for the inaction of the majority party. That is quaint in any legislative body.

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a parent of two small children, I have been told that children pay more attention to what their parents do than what we say. Tonight, I hope the American people will use that commonsense principle in judging Congress. It is not what we say in our speeches that counts so much, but far more important to the American people is what we do.

What has this Congress, what has this House done today? Basically, the Republican leadership has denied the minority an opportunity to present an amendment that would have added \$275 million desperately needed in veterans health care. These particular dollars were focused to try to help those veterans who have such critical health care problems that they need specialist care. This \$275 million was designed so that veterans who fought for our country so valiantly, so patriotically would not have to wait 6 months for a heart specialist or for some sort of very, very important care.

I would imagine Republicans and Democrats alike on Veterans Day back home go make that speech, that it is wrong for veterans to have to wait 6 months to get the care that they have earned and even fought for, even been wounded to earn. Yet when we have a chance to do something about it, the Committee on Rules, not through the leadership of either the chairmen or the subcommittee chairmen, who are valiant supporters of veterans health care, but through the actions of the Republican leadership in the House, despite all of our great words on Veterans Day and Memorial Day, all our respect for veterans, when we could do something about it tonight, when we could have helped veterans, what are our actions? We are prevented from even having a vote on helping to improve veterans health care in that desperately needed way.

The Republican leadership does not hurt the Democrats when they deny us the right to such a vote, denying Republicans and Democrats the right to that vote. They hurt veterans. These are men and women who fought for this country, men and women who have been willing to die for this country.

So I wish the Republican leadership would reconsider its ill-founded rule that denies not us but veterans the right to get better health care. Let the American people and let veterans know what we parents of small children

know: it is what we do that counts, not what we say that counts.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me this time and congratulate my chairman, as always, for trying to do the best job he possibly can under the circumstances and the facts that he is dealing with.

I do not speak in my capacity as whip but as I guess still the ranking member of the Treasury, Postal committee, or whatever capacity I am in, because we have not reconstituted that committee. Mr. Speaker, in the Treasury, Postal committee we included a number of dollars in the supplemental, which would be the subject of the amendment that the gentleman from Wisconsin (Mr. OBEY) speaks of and that we would like to offer and we think is critical.

First of all, there was \$400 million in there for the emergency first responders. That is a critical figure. All of us are for that. I do not think anybody is opposed to that. As a matter of fact, all of us were for all the dollars that were in this bill. We voted on it, passed it, and it was sequestered by the President. We believe that it is undermining homeland security not to move ahead with these finances at this point in time.

And not only the \$400 million for first responders, but I was at the White House today with the leadership and brought up the funding of the election reform bill. The election reform bill was the most significant bipartisan success that we had in the 107th Congress. The chairman was a very important part of passing that and committing ourselves to funding that election reform legislation to make sure that every American vote not only is cast but is counted accurately. There was \$400 million in that bill for that objective.

The President agreed today that we ought to fund that. Mitchell Daniels agreed we ought to fund it. I do not say they were for this particular amendment, but they believe that funding is appropriate funding. As a matter of fact, I am hopeful and believe that we will get a higher figure.

In this amendment was \$28.5 million for the Secret Service to support the increased cost to protective details and to implement provisions of the PATRIOT Act we passed to secure our homeland. But it needs funding. This \$28.5 million would be in that request.

In addition, there were \$39 million for the Customs Service Container Security initiative. We have heard recently the vulnerability of our ports and the infrastructure in our ports to boats, ships coming into our ports that may be laden with explosives. Customs needs to have additional resources in order to check this. I do not think anybody disagrees with that proposition. However, it has languished unfunded.

Mr. Speaker, because my time is short, let me mention also, and lastly, \$16 million in the Federal Law Enforcement Training Center, FLETC, located in Glynco, Georgia. All of us know as a result of the tragedy of 9-11 of the outrage that was committed against this country, that we have made a determination that we are going to upgrade the security of our homeland. One of the ways we are doing that is adding Federal security officers. We are adding them at our airports, we are adding them at our Federal buildings, we are adding them in other places in our Federal infrastructure. We need to train them.

□ 1945

This was not anticipated. The demands for the Federal Law Enforcement Training Center have, therefore, been substantially increased. But we have not given them the resources to accomplish that training. In doing so, we undermine homeland security. What we are saying is we ought not to wait. We ought to act, and we ought to act now to protect the homeland security.

It is very nice for us to pass bills and say we want to do this. But if we do not fund it, we cannot do it. We are going to be talking about that at the end of this month. I would hope to find a way to allow this amendment to be offered and that we could pass this amendment overwhelmingly because I believe the objectives are supported.

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

Mr. Speaker, the gentleman from Maryland (Mr. HOYER) was speaking directly to the issue of the CR and to the issue of the necessary funding, and especially for homeland security. The gentleman is correct. In the supplemental that we presented, we covered most of those items that the gentleman mentioned. The President chose not to release some of those funds, and that was the authority that the President had.

What I would say to the gentleman is my support for those issues is no less today than when we did the supplemental. We are in a procedural situation today. We need to get the CR so we can extend past January 11, which is the present CR, and we have to get the second CR which the gentleman from Wisconsin (Mr. OBEY) has mentioned so we can conclude our work of the 107th Congress.

A lot of Members are congratulating each other in starting out the 108th Congress. My comment to some of my colleagues is I am still trying to get out of the 107th Congress. That is what we need to do tonight. Let us finish the business of the 107th Congress, and then we will get on and take care of the issues that the gentleman from Maryland (Mr. HOYER) has so properly identified.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD, and Independent Agencies, such as NASA.

Mr. WALSH. Mr. Speaker, I thank the chairman for his leadership and also the distinguished ranking member for the gentleman's hard work.

Mr. Speaker, we had the opportunity to debate all of these issues at the subcommittee level, at the full committee level, and in many cases on the floor. But all of these items have been debated.

It has been stated that there has not been time for debate, but there has been. We have spent hours and hours and hours. We spent 2½ months in our subcommittee putting this very, very complex bill together, the VA-HUD bill. If we could move forward and pass this and then get to a point where we can pass all of the fiscal year 2003 appropriations bills, that would be a good thing.

There has been discussion about veterans. We have substantial increases in veterans' health care benefits in the 2003 bill. We cannot get to those until we pass this continuing resolution and send a bill to the Senate. We cannot make the increases in the housing accounts for the homeless, in housing for people with AIDS, in the section 8 program, in the senior housing programs. We cannot get those funding measures to the department heads and the money to the department heads to implement those policies if we do not pass this bill.

So there has been plenty of time to debate all of the policy issues. We are at a point where we need to bring closure to the 2003 year. I know I have and the other subcommittee chairmen have a lot of work to do. As soon as we complete on these 2003 bills, I will begin hearings for the Veterans Administration, for HUD, for NASA, for FEMA, for the EPA, for the National Science Foundation. There is a tremendous amount of work to be done, and every minute of every day, every hour that we delay here puts our decisions off for the future, and those are critical decisions.

Advocates are coming to us, veterans are coming to us, people from the science community are coming to us and saying please get these bills done so we can begin to plan for next year's bills. If we work very closely with OMB and the House and the Senate work closely together, we will have a budget resolution to work with. That is what happened this year. The House did its job. We passed our budget resolution. The Senate did not. Had they passed a budget resolution, we could have worked out the differences and had a road map to work with. But we did not have that road map. That is why we are at this juncture.

We need to get this work out of the way, get the bills passed, complete our work on 2003 and get a good solid budget resolution passed for 2004 and get these appropriations bills done. It is not that difficult. It is not rocket science, but we need to get last year's work out of the way first.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Florida

(Mr. YOUNG) has 9 minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 21 minutes.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this continuing resolution which I think instead ought to be called this continuing saga of one budget's lonely effort to struggle into maturity is in part a continuing story of the majority's refusal to allow the corporate responsibility bill to go forward. There is some language in here finally that would allow the Public Company Accounting Board to get a couple million dollars in advance from the Treasury. That comes several months late after a couple of unsuccessful efforts that we made; finally the committee has done this.

But on the committee point of funding the corporate responsibility bill known as the Sarbanes-Oxley bill, this continuing resolution continues to refuse to do that. When the President signed the bill with great fanfare months ago, it called for an authorization of \$776 million. This bill has in fact a lower figure than the original budget request as amended, and even if we throw in the pay parity, the appropriations level in this bill, as I last saw it, is more than \$200 million less than Sarbanes-Oxley called for. That is \$540 million instead of \$776 million.

So the President signs the bill with great fanfare, and then refuses to fund it. The Securities and Exchange Commission was given a great number of new responsibilities, and none of them are effectively funded in this bill.

The bill also will continue a situation in which public housing authorities are in crisis. Public housing authorities were told by the Republican Party that when they lost the money for the drug elimination program that had been a specific amount, \$300 million, not to worry. When the majority eliminated the drug elimination program, quite surprisingly to me, which made funds available to housing authorities to combat drug abuses in the housing projects by hiring police and other ways, they were told that is okay, they could fund this out of their regular, ongoing operation.

But this bill, this procedure, has shorted those housing authorities. So they, in the first place, lose the \$300 million for the drug elimination program, and now they are given less money than they needed even without that \$300 million, and already because of the stop and go and interruptions of the continuing resolution and some mistakes on the part of HUD, public housing authorities all over this country are going to be short of money. Elderly people are going to be looking for police protection and maintenance, and people are going to be looking for a whole range of basic protections and they will not be there because of the majority's handling of this matter.

So with regards to both Sarbanes-Oxley and public housing, this bill is sorely deficient.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. ISTOOK), chairman of the Subcommittee on Treasury, Postal and General Government.

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

Mr. Speaker, I think it is always good in exchanges like this that every once in a while we try to come back to reality and discuss what the topic for debate actually is.

What we have under consideration is a continuing resolution so that the Federal Government can stay open through the end of January, so that people who are expecting some sort of Federal benefit, whether it be a Social Security check, whether it is the continuation of Medicare, whether it is the processing of their Veterans Administration disability claim, whatever it may be, we are here to talk about a resolution to enable the Federal Government to keep going through the end of January.

We are in that situation because the kind of bickering that we are hearing from too many people on this floor was what predominated last year and kept us from adopting any permanent appropriations legislation.

Some Members are saying we do not want to talk about keeping things going, we do not want to talk anything until we can solve all of the problems and put a lot of new issues on the table. I guess they want to go ahead and let the government shut down. If that is Members' desire, and what they really want to do is mask that desire through other verbiage that they are throwing at us, I wish they would be open about it.

But the resolution under consideration is to allow continuing expenditures at predetermined, ordinary rates so until we can work out all these problems things do not come to a grinding halt. We are not going to be able to have time to work on the permanent solutions to the very funding problems that Members are complaining about unless we can get things like this through. When all of the time has to be devoted to temporary stopgap measures, that takes away from the time that we need to devote to permanent measures.

The American people spoke last fall in the elections. They said they want us to be solvers. They want us to be working towards solutions, not bogging down in bickering and petty parliamentary complaints.

Mr. Speaker, this is legislation that we need to adopt. It is responsible. I do not hear Members complaining about it, or the other side of the aisle saying we want to shut things down instead. But they do want to throw all sorts of barriers and roadblocks that will mean the current spending authority will expire, we will have a government shut-down.

We are trying to be responsible, Mr. Speaker. We should pass this resolution tonight so we can then work together on the permanent solutions and the permanent appropriations bills that need to be adopted.

Mr. Speaker, I commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations. I thank the leadership for bringing this up, and I urge adoption of the resolution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am sorry that the gentleman from Oklahoma (Mr. ISTOOK) feels that we are unduly taxing his capacities by raising all of these complex issues. I did not think that the Sarbanes-Oxley corporate accountability bill came as entirely a shock to Members on the other side of the aisle.

We just heard that we are raising new issues. All we are asking for and all I mentioned was let us fund the Securities and Exchange Commission at the level this House and the rest of the government said was appropriate last August. It is not a complicated matter. I am not trying to raise new obstacles. The gentleman said this is just an ordinary bill.

I thought there was a decision by the Congress and the President last summer that ordinary was not good enough for the Securities and Exchange Commission, that we had to do some extraordinary things to combat abuses in the securities industry. So when I say that we should fund the level that we said we would fund, apparently for the gentleman from Oklahoma (Mr. ISTOOK) that is too complicated.

□ 2000

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Speaker, we wanted to bring some sort of information here because I was listening back in my office. In the CR under consideration today are two provisions providing the Securities and Exchange Commission with additional authorities and resources to protect investors. That is already in the CR. The second provision allows the SEC to fund the start-up expenses of the Public Company Accounting Oversight Board to begin to provide the additional necessary scrutiny in corporate accounting.

There was also a bill put in earlier today, I believe it has been put in, which does the following: with regard to the fiscal year 2003 Commerce-State-Justice appropriations bill, and the gentleman from Massachusetts was referring to this, it includes \$776 million for the Securities and Exchange Commission. That is the level that is authorized by the Sarbanes-Oxley bill. It is \$209 million, I will tell the gentleman, above the President's request;

and it is higher than the amount that was in the Senate bill.

In addition to fully funding the SEC's pay parity cost, the funding will include an increase of \$100 million for information technology initiatives such as enhanced automated analytical tools, an integrated document management system, a central data repository and various e-government projects.

It will also, I will tell the body so they feel very comfortable in voting for what the gentleman was talking about on the CR, the funding level will also provide for hundreds of additional accountants, attorneys and examiners to substantially increase oversight of auditors and audit services, enhance the commission's investigative and enforcement capability, improve disclosure of information to investors, and perform various other oversight duties. So that bill has been introduced and is in the hopper tonight.

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

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

Mr. FRANK of Massachusetts. The gentleman says it has been introduced, but it is not in this version here. It has been introduced for later adoption. It is not a number that is in this bill.

Mr. WOLF. But it is introduced to be the subject of, and we are committed to those figures, to be the subject of the 2003 conference. We are actually higher with regard to that than what the Senate had. That is the subject of us going to conference. It is higher than what the administration asked for and also higher than what the Senate has.

Mr. OBEY. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Providing more money than this administration asked for for opposing corporate abuses is not a great thing. What the gentleman from Virginia has said is they have now introduced a bill to be acted on at some future date that will carry out the funding level of Sarbanes-Oxley. But the fact is that we are now in our sixth or seventh continuing resolution and we have not got it yet. I am pleased to know that a bill has been introduced, but it does not do anything for the SEC now. Why not simply in this version of the continuing resolution put that number in there? The bill passed in August. The President in August signed the bill and said, "I'm improving corporate accountability." Several opportunities have gone by to actually fund it at that level, and the answer from the gentleman from Virginia is, "Don't worry. Hope is on the way. The Lone Ranger is coming. We actually introduced the bill." I never heard of a bill being introduced that was immediately implemented.

If, in fact, that is the right number, why not have it in this bill?

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished

gentleman from Michigan (Mr. KNOLLENBERG), who has just become chairman of the Subcommittee on Military Construction.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of this continuing resolution, and I really want to thank Chairman YOUNG for all the hard work that he has put into this process. I want to thank also the gentleman from Wisconsin (Mr. OBEY) on the minority side. It is not easy. I know. This may be one of the hardest jobs in the House that the chairman has and the ranking member, too. The continuing resolution is an essential bill, and obviously I strongly urge all my colleagues to support it. I do not think the appropriations process has ever been easy, and I think this particular situation is maybe one of the most difficult that we have ever had, at least in my understanding. All we can do is take the situation that we have and do the very best that we can. I believe that is exactly what we are going to do.

The President has made it pretty clear, quite clear, that he will not sign any bills that push us over the discretionary level of \$750.5 billion. I believe we have to pay attention to that. We have to respect that. And I believe we will. The gulf between the spending levels between the two bodies has now been closed. I understand that we are now close to agreeing to new allocations for the fiscal year 2003 bills that have not been completed.

As my colleagues will remember, this was one of the key problems last year as we attempted, as some attempted, rather, to throw fiscal discipline out the window. Not everybody may be happy, either, with the final allocations; but they are critical to move this process forward. Time is of the essence. We have to complete the fiscal year 2003 bills so we can properly focus on fiscal year 2004, which is why again we must pass this continuing resolution. Further delays run the risk of the Federal Government operating for an entire year under a continuing resolution. That is the alternative. What is it you want to do? If that is what you want as an alternative, that is the only thing that is out there. I do not think either side of the aisle will be satisfied with that outcome. The blame game is easy. By the way, if I were in the minority, I might be saying some of the same things that you are saying and doing some of the same things.

But the hard work, by the way, is being done by Chairman YOUNG and, yes, Ranking Member OBEY to bring the fiscal year 2003, I am talking about 2003, by the way, and we should be talking about 2004, bring the fiscal year 2003 appropriation bills to a successful resolution.

I just say, let us pass this CR and let us get back to work. I urge my colleagues to support this bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield for a point of clarification?

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

Mr. OBEY. Mr. Speaker, let me make clear to the gentleman, if our amendment is passed, we are still substantially below the Republican budget resolution numbers. We do not exceed the amount dictated by the White House. We simply make sure that the money is used for homeland security, for the SEC, and for the other items that you have already voted for in the supplemental.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I rise in support of this resolution to provide for continuing appropriations for the United States Government through January 31 of this year with the exception, of course, of the Defense and Military Construction bills that we have already passed and have had enacted into law.

Like a lot of my colleagues and certainly other members of the Committee on Appropriations, I have been frustrated that we were not able during the regular course of events last year and even into the beginning of the next fiscal year, but still during the course of the 107th Congress, that we have found ourselves unable to complete work on the appropriations legislation for fiscal year 2003. And so we find ourselves here in the 108th Congress, a new Congress, a new body, new committees, new personnel, faced with still doing almost all of the appropriation bills for 2003. I am not into the blame game of pointing the fingers as to where the responsibility for this lies. I think that one can look at the political facts that caused us all, neither side, to want to complete the work during the calendar year 2002.

And so we find ourselves here in 2003, at the beginning of a new Congress, a new calendar year, and in the second quarter of this fiscal year with the appropriation bills still unfinished. I have high hopes that the new Congress, the 108th Congress, can move speedily to complete this work. But it cannot be done unless we give authorization to the government to continue its work, all the agencies of the Federal Government that have appropriations to continue their work past this coming weekend and to the end of this month. While we are gone from Washington in the next couple of weeks, the Senate will be taking up these appropriation bills. The plan is that they will add them to our continuing resolution and we will have an opportunity to go to conference and discuss them there.

Whatever one thinks of the process, I think one has to look at the end result, which is to try to get the appropriation bills done for 2003 so that we can get into the regular appropriation bills for 2004, and I think all of us understand that there is going to be a supplemental appropriation bill as well coming in the next couple of months to

deal with the military and political crisis that we find ourselves dealing with in the Middle East and South Asia.

And so, Mr. Speaker, I would hope that this body would support this continuing resolution, that we would adopt it, and that we would get on with the work of adopting the bills for 2003 before the end of this month and that we can do the regular work of fiscal year 2004 in the next year.

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

I take this time, Mr. Speaker, to explain to the House the amendment that I will shortly offer. That amendment will do essentially two things: it would provide an additional \$308 million for the Securities and Exchange Commission to increase funding to the level agreed to in the Sarbanes-Oxley bill. Secondly, it would make available \$5.1 billion in critical funding already agreed to by the House last year as contingent emergencies in the fiscal year 2002 supplemental. That money will pay for items such as helping to find, arrest and deport high-risk individuals who have disregarded the departure date on their visas. It would provide for increased security of U.S. nuclear weapons and nuclear materials at DOE weapons labs, money which the DOE has asked for. It would provide money for the Customs Container Security initiative suggested by the agency. It would provide \$275 million for veterans health care, which this House has already approved on a contingent appropriation basis. It would provide \$415 million for grants to State and local first responders, and a variety of other items which the House has already approved, but which the President has declined to release.

As I told the House earlier today, right after the election I was watching McNeil-Lehrer. In their panel discussion, Tom Oliphant, the columnist, was asked what the role of the Democratic Party was going to be now that the Republican Party had all of the marbles in every institution. He said, "Well, their obligation as the minority is to offer alternatives to what the majority proposes." That is exactly what we are trying to do. The problem with the rule that was adopted earlier is that it attempts to preclude us from meeting those responsibilities as a minority to offer constructive alternatives. In the process, it also denies the ability to hold either the majority or the minority accountable for the decisions they make. That is why we are attempting to move forward with this amendment.

I would hope when the time comes that no point of order is lodged against the amendment so that we can, in fact, meet the obligations that we have in this House to be a real legislative body, not a Soviet-style Congress where a few unknown individuals make decisions and then subvert the process in order to predetermine the outcome.

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

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

I will be very brief just to say that it has been an interesting debate as usual. I appreciate the work that the gentleman from Wisconsin (Mr. OBEY) and I are able to do together because we do agree a lot. My position is we should pass this CR and get on with completing the work of the 107th Congress. There are a lot of good issues raised here today by the gentleman from Wisconsin (Mr. OBEY), by the gentleman from Maryland (Mr. HOYER), by others, but those will be fixed, and I am as anxious as they are to get those fixes in place. I would like to pass this CR now. I would like to take up the second CR immediately, pass it now, and get on to finalizing the work of the 107th Congress by completing the appropriations process for that Congress because we are starting the process for the 108th Congress for fiscal year 2004.

We anticipate the budget from the administration shortly. We will begin our hearings in our subcommittees shortly. We will have a budget resolution this year that we will begin then to mark up our bills and bring them to the floor, but let us get this behind us, let us get this off the table, get it off the desk, get it out of contention. Pass the CR and let us get on to the business of the 108th Congress.

Mr. BLUMENAUER. Mr. Speaker, one day into the new Congress and the Republican Leadership's procedures for advancing legislation are an outrage that purposefully seeks to limit meaningful debate. By stifling opportunities to present alternatives by either Democrats or Republicans, the House leadership is showing its unwillingness to legislate and its lack of fiscal responsibility.

This morning we passed legislation to extend unemployment benefits for millions of Americans out of work. Unfortunately, due to the Republican leadership procedures, provisions could not be added to provide benefits to 1 million whose benefits have already expired.

Now, with this Continuing Resolution, we are faced with a provision for the Department of Homeland Security that would allow the Administration to bypass a normal review by the Transportation and Infrastructure Committee and win blanket approval on the House floor for its plan to lease up to 575,000 square feet at a cost of up to \$250 million. There are important security, infrastructure, and fiscal considerations left undiscussed by this approach.

The Republican leadership is not just afraid of the Democratic proposals, but they are afraid of their own moderate members and the American public. Decision-making that leaves out normal congressional and committee processes is an attempt to remove democratic debate and public opinion from the table. This is a horrible way to begin the new Congress. The American public deserves better.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to oppose H.J. Res. 1, the continuing resolution to fund the Federal Government through January 31. It is an abomination that only two appropriations bills have been

passed by this Congress—the Defense and Military Construction bills. We have essentially been operating without set spending levels for the Federal Government since the fiscal year began October 1.

My priorities include funding for education, protecting Medicaid, and providing funds for HIV/AIDS in Africa. I understand the fiscal constraints, but I also realize that Federal agencies and our constituents need funding provided from the various appropriations bills.

This resolution does extend entitlement payments including Food Stamps, Medicaid Grants to states and veterans' entitlements. The appropriations bills that fund these programs have not been passed. We simply cannot keep passing continuing resolutions with set spending levels. Congress is not living up to its responsibility as stated in the U.S. Constitution in Article 1.

Congress must do its work. We have eleven appropriations bills that have yet to be passed by Congress and enacted into law. The Labor-HHS appropriations bill funds the Department of Education, the Department of Labor, and the Department of Health and Human Services.

The Democratic priorities in education health care must be fully funded. Last year, we passed the No Child Left Behind Act, but have yet to fund the bill at levels to ensure the adequacy of the measures contained in the education bill.

I am concerned about the increasing spread of AIDS/HIV in Africa. I support funding for research in this area and getting the necessary medical supplies and medicine to combat this disease to Africa.

Congress adjourned last year with much unfinished business. Passing the appropriations bills must be on our list of priorities. We cannot continue this uncertainty in the budget process. This is the sixth continuing resolution.

The president will soon release his fiscal year 2004 budget and we have not yet passed eleven funding bills for fiscal year 2003.

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

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

The joint resolution is considered read for amendment, and pursuant to House Resolution 15, the previous question is ordered.

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 joint resolution?

Mr. OBEY. I think the Speaker can safely assume that, yes.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution H.J. Res. 1 to a select committee consisting of Mr. YOUNG of Florida and Mr. OBEY of Wisconsin with instructions to report the same back to the House forthwith with the following amendments:

Page 1, line 5, after "2003", insert the following:

"Provided, That notwithstanding any other provision of this joint resolution, \$776,000,000 is available for the Securities and Exchange Commission, Salaries and expenses."

At the end of the joint resolution, add the following new section:

SEC. 7. Public Law 107-229 is further amended by adding at the end the following new section:

"SEC. 138. In addition to the amounts made available by section 101, and subject to sections 107(c) and 108, amounts made available in Public Law 107-206 only to the extent that an official budget request is transmitted by the President shall be considered available for obligation."

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

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

There was no objection.

POINT OF ORDER

Mr. GUTKNECHT. Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman care to argue further on his point of order?

Mr. GUTKNECHT. Mr. Speaker, Section 302(c) prohibits the consideration of any amendment that provides for new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

This motion to recommit increases the amount of budget authority provided by the measure. The suballocations published by the Committee on Appropriations on October 10 of 2002 lapsed upon the adjournment of the 107th Congress, and no 302(b) suballocations have been made for the 108th Congress. Hence I make the point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Mr. Speaker, what the gentleman from Minnesota is asserting is that the minority should not be allowed to offer a legitimate amendment because the majority did not fulfill its responsibilities to abide by certain provisions of the Budget Act and by the timetable of that act. I find that highly objectionable especially since the Committee on Rules has already waived the requirement as far as the majority party is concerned. It seems to me that the House rules certainly ought to allow the minority the same privilege that the majority has arranged by rule.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, when we have points of order, they are important because they establish precedents, and for that reason I

intend, if the Chair rules in favor of this point of order, to join in trying to overturn it because I cannot think of a more damaging precedent.

What this does is to take advantage of the fact that the House did not complete the fiscal 2003 appropriations when it should have in the last calendar year. Thus we are now dealing with fiscal 2003 appropriations in a Congress later than we should, not just a year later but in a Congress later than we should. Because it is a later Congress than it should be, the 302(b) allocations expired. Instead of routinely reenacting them, the majority waived the requirement for itself in a rule and did not waive it for any amendment; so the precedent being set will be as follows: Do not get the work done on time, let it go over until the next Congress months after it should have been done; then abstain from the routine act that the gentleman from Wisconsin mentioned, give yourself a waiver from your failure to act, and do not give it to anyone else. So the precedent is that if you delay the appropriations bills, you can bring them to the floor in an unamendable fashion, totally unamendable so that when we complain about the underfunding of the Securities Exchange Commission we are told do not despair, we have introduced a bill and one of these days we might even act on it. Nothing could be more damaging to the democratic fabric of this House.

And I will say that I often, when an appeal to the Chair is made, will vote to uphold the Chair even when I disagree with the legislative consequence, but in this case we are not talking about a standing rule of the House. We are not talking about interfering with those rules that try to govern our deliberations. We are talking about objecting to a deliberate scheme to bring the appropriations for the entire government to the floor of the House in an absolutely unamendable fashion.

The leadership on the other side used to boast, the chairman of the Committee on Rules, about we always get a motion to recommit. This is a motion to recommit, an entirely germane motion to recommit on the substance that is being ruled out of order on this ground, and for that reason I hope the Chair will not sustain this degradation of democracy.

Mr. NUSSLE. Mr. Speaker, I wish to be heard on the point of order.

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

Mr. NUSSLE. Mr. Speaker, just to correct the record, the gentleman from Massachusetts is one of the experts when it comes to the rules of the House, and I commend him for that, but just to be technically correct with regard to his statement, it is not because we failed to do appropriation bills that the 302(b) allocations did not carry forward. It is because the Senate failed to produce a budget that the 302(b) allocation did not carry forward. Had a budget resolution been com-

pleted, the 302(b) allocations would have carried forward even though it was a new Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and that is true. But it is also true that we could have in this House passed those appropriations bills without any action from any other body, and it is a fact in addition that we did not finish the work last year that put us in the situation which the majority takes advantage of by denying the House the chance to have even a germane recommit on the motion.

The SPEAKER pro tempore. The Chair would take this opportunity to remind those who are speaking to the point of order that their comments should be directed through the Chair.

The gentleman from Iowa is recognized.

Mr. NUSSLE. Mr. Speaker, I support the point of order. The gentleman from Massachusetts is correct that certainly appropriation bills could have moved forward. We deemed the budget in order for that process to continue. There are many reasons why appropriation bills did not move forward, but the only fact I wanted to make clear for the RECORD and for the purpose of precedent setting, if there will be precedent setting this evening, is that in fact it was the failure of a budget to be produced by the Senate and not failure of appropriation bills to be produced that causes this extraordinary procedure to occur this evening. I hope this is not precedent setting because it is very unfortunate that in fact for the first time since the 1974 Budget Act was passed that the other body failed to produce a budget.

Mr. Speaker, I support the point of order.

The SPEAKER pro tempore. Unless the gentleman from Minnesota desires to speak further on the point of order, the Chair is prepared to rule.

Mr. GUTKNECHT. Mr. Speaker, I will let the Chair rule.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. GUTKNECHT) makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Wisconsin (Mr. OBEY) violates section 302(c) of the Congressional Budget Act of 1974. Section 302(c) precludes consideration after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year of a measure within the committee's jurisdiction that provides new budget authority until the committee makes the suballocations required under section 302(b).

The amendment proposed in the motion offered by the gentleman from Wisconsin provides new budget authority, and the Committee on Appropriations has not made the required section 302(b) suballocations, and as such, the motion to recommit violates section 302(c) of the Budget Act. The point of order is sustained, and the motion is not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I move to appeal the decision of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GUTKNECHT
Mr. GUTKNECHT. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes 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.

The vote was taken by electronic device, and there were—yeas 217, nays 192, not voting 24, as follows:

[Roll No. 10]

YEAS—217

Aderholt	Doolittle	Kirk
Akin	Dreier	Kline
Bachus	Duncan	Knollenberg
Baker	Dunn	Kolbe
Balenger	Ehlers	LaHood
Barrett (SC)	Emerson	Latham
Bartlett (MD)	English	LaTourrette
Barton (TX)	Everett	Leach
Bass	Feeney	Lewis (CA)
Beauprez	Ferguson	Lewis (KY)
Bereuter	Flake	Linder
Biggart	Fletcher	LoBiondo
Bilirakis	Foley	Lucas (OK)
Bishop (UT)	Forbes	Manzullo
Blackburn	Fossella	McCotter
Blunt	Franks (AZ)	McHugh
Boehrlert	Frelinghuysen	McKeon
Boehner	Gallegly	Mica
Bonilla	Garrett (NJ)	Miller (FL)
Bonner	Gerlach	Miller (MI)
Bono	Gibbons	Moran (KS)
Boozman	Gilchrest	Murphy
Bradley (NH)	Gingrey	Musgrave
Brady (TX)	Goode	Myrick
Brown (SC)	Goodlatte	Ney
Brown-Waite,	Granger	Northup
Ginny	Graves	Northwood
Burgess	Green (WI)	Nunes
Burns	Greenwood	Nussle
Burr	Gutknecht	Osborne
Burton (IN)	Harris	Ose
Buyer	Hart	Otter
Calvert	Hastings (WA)	Paul
Camp	Hayes	Pearce
Cannon	Hefley	Pence
Cantor	Hensarling	Peterson (PA)
Capito	Herger	Petri
Carter	Hobson	Pickering
Castle	Hoekstra	Pitts
Chabot	Hostettler	Platts
Chocola	Houghton	Pombo
Coble	Hulshof	Porter
Cole	Hunter	Portman
Collins	Hyde	Pryce (OH)
Combest	Isakson	Putnam
Cox	Issa	Quinn
Crane	Istook	Radanovich
Crenshaw	Jenkins	Ramstad
Cubin	Johnson (CT)	Regula
Culberson	Johnson (IL)	Rehberg
Cunningham	Johnson, Sam	Renzi
Davis, Jo Ann	Jones (NC)	Reynolds
Davis, Tom	Keller	Rogers (AL)
Deal (GA)	Kelly	Rogers (KY)
DeLay	Kennedy (MN)	Rogers (MI)
DeMint	King (IA)	Rohrabacher
Diaz-Balart, L.	King (NY)	Ros-Lehtinen
Diaz-Balart, M.	Kingston	Royce

Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)

Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey

Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

that there are 2 minutes remaining on the 15-minute clock.

□ 2045

Ms. BONO and Mr. ISSA changed their vote from “yea” to “nay.”
So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

□ 2045

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer an alternative motion to recommit at the desk.

The SPEAKER pro tempore (Mr. OTTER). Is the gentleman still opposed to the joint resolution?

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

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 1 to a select committee consisting of Mr. YOUNG of Florida and Mr. OBEY of Wisconsin with instructions to report the same back to the House forthwith with the following amendments:

(1) On page 3, line 8, of the joint resolution, strike everything after “December 24, 2002,” to the end of the section and insert the following “shall require approval by the Committee on Environment and Public Works of the Senate and a select committee of the House consisting of Mr. Young of Alaska, Mr. LaTourette of Ohio and Mr. Oberstar of Minnesota.

(b) PROHIBITION ON DELEGATION.—The authority of the General Services Administration to lease space under this section may not be delegated to any other department or agency.”

(2) At the end of the joint resolution, insert the following section:

“SEC. 7.—Public Law 107-229 is further amended by adding at the end the following new sections:

“SEC. 138. None of the funds made available by this Act may be used to implement section 1717 of the Homeland Security Act of 2002 or the amendments to section 2133 of the Public Health Service Act made by sections 1714, 1715 and 1716 of the Homeland Security Act of 2002 (other than to process, adjudicate or pay claims for compensation under the program established by subtitle 2 of title XXI of the Public Health Service Act).

“SEC. 139. None of the fund made available by this Act may be obligated by the Secretary of Homeland Security in violation of section 835 of the Homeland Security Act of 2002, which for purposes of this section shall be applied (1) by inserting immediately before the period in subsection (a) ‘or with any direct or indirect subsidiary of such an entity’ and (2) by substituting the phrase ‘before, on or after the date’ for ‘after the date’ in subsection (b)(1) of such section 835.”

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

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

There was no objection.

POINT OF ORDER

Mr. YOUNG of Florida. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

NAYS—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva

Hall
Harman
Hastings (FL)
Hill
Hinchev
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McDowell
Doyle
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender
Filner
 McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda
 T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snider
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—24

Baird
Ballance
Becerra
Cardin
Gephardt
Gillmor
Goss
Gutierrez

Hayworth
Janklow
Kilpatrick
Kind
Lipinski
McCreary
McInnis
Miller, Gary

Napolitano
Nethercutt
Oxley
Payne
Rush
Slaughter
Towns
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise Members of the House

Mr. YOUNG of Florida. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman is correct. The House will be in order.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this motion to recommit would do three things: It would modify the language in the Department of Homeland Security legislation to prevent existing corporations who moved offshore to avoid paying their fair share of taxes from getting government contracts from that agency. It would bring the bill back in line with the language this House voted to include by a vote of 318 to 110 on the motion to recommit offered by the gentleman from Connecticut (Ms. DELAURO) last July.

The Joint Committee on Taxation has estimated that over the next 10 years corporate expatriates would cost us more than \$4 billion in funds that could help pay for our Nation's security.

The second point of this motion to recommit would be to suspend the operation of one of the most egregious provisions inserted into the Department of Homeland Security legislation at the last minute last year. That is a provision apparently designed to shield the giant drugmaker Eli Lilly & Company from lawsuits that have been brought by parents of autistic children claiming that their children's disease was caused by a vaccine preservative.

There may be good reason to ultimately require claims of this type to be brought under the Federal Vaccine Injury Compensation Program, but if that is done, it should be done openly in the sunshine after proper hearings and deliberation, not in a back room deal at the last moment.

Thirdly, this motion would restore the authority of the Committee on Transportation and Infrastructure to review the leasing of space for the new Department of Homeland Security, replacing the provision in the CR that simply approves the administration proposal without any congressional oversight or scrutiny whatsoever.

We do not stop them from going forward, we simply say that they must follow the procedure of having some review by the committee of jurisdiction before they proceed to spend a great deal of taxpayers' money on leasing property which at this point has been reviewed and overseen by no one whatsoever in the Congress.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

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

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me.

I just wanted to remind my colleagues, Mr. Speaker, that in fact there were 318 people in this body last year who came together and we voted to end the practice of rewarding those corporations who take their corporations

overseas just for the ostensible purpose of not paying their taxes, of avoiding their most basic responsibility. We said no, they can no longer do that and get rewarded with government contracts.

Why? Why are we weakening the language that 318 or 319 people voted on? It is what we expect of American citizens, to pay their taxes every year. Why are we going to weaken this law with regard to these corporations? We have an opportunity tonight to right this wrong.

When push came to shove, this House weakened its language. We put good corporate citizens at a permanent disadvantage by protecting these companies who have moved overseas to avoid their most basic responsibility, and tonight we have the opportunity to right that wrong. We will not be acting responsibly this evening if we in fact vote to allow a small number of people who, quite frankly, put aside their American responsibilities, at a time when this Nation in fact is ostensibly on its way to war, and allow them to do what we would not allow anyone else to do.

We ought to right this wrong, we ought to vote for this motion to recommit, and live up to our responsibilities as the representatives of the good people of this country.

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

Mr. YOUNG of Florida. Mr. Speaker, I definitely rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, as is so often the case, the motions of the gentleman from Wisconsin (Mr. OBEY) are creative and appealing, and address subjects that should be addressed.

What I would ask the House to do is to reject the motion to recommit. Let us get on with the regular order of dealing with these issues in the regular order, which we expect to do in a very expeditious manner.

At this point, because we do not want to make too many major decisions in the dark of night, as we hear so often, let us simply vote against this motion to recommit, pass the continuing resolution, deal with House Joint Resolution 1, and get out of here for tonight.

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.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote, if ordered, on the question of passage, and, after that, on the motion to suspend the rules and adopt House Resolution 10.

The vote was taken by electronic device, and there were—ayes 192, noes 220, not voting 21, as follows:

[Roll No. 11]
AYES—192

Abercrombie	Grijalva	Neal (MA)
Ackerman	Harman	Oberstar
Alexander	Hastings (FL)	Obey
Allen	Hill	Olver
Andrews	Hinchey	Ortiz
Baca	Hinojosa	Owens
Baldwin	Hoefel	Pallone
Becerra	Holden	Pascarell
Bell	Holt	Pastor
Berkley	Honda	Pelosi
Berman	Hoyer	Peterson (MN)
Berry	Inslee	Pomeroy
Bishop (GA)	Israel	Price (NC)
Bishop (NY)	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee	Rangel
Boswell	(TX)	Reyes
Boucher	John	Rodriguez
Boyd	Johnson, E. B.	Ross
Brady (PA)	Jones (OH)	Rothman
Brown (OH)	Kanjorski	Roybal-Allard
Brown, Corrine	Kaptur	Ruppersberger
Capps	Kennedy (RI)	Ryan (OH)
Capuano	Kildee	Sabo
Cardoza	Kleczka	Sanchez, Linda
Carson (IN)	Kucinich	T.
Carson (OK)	Lampson	Sanchez, Loretta
Case	Langevin	Sanders
Clay	Lantos	Sandlin
Clyburn	Larsen (WA)	Schakowsky
Conyers	Larson (CT)	Schiff
Cooper	Lee	Scott (GA)
Costello	Levin	Scott (VA)
Cramer	Lewis (GA)	Serrano
Crowley	Lofgren	Sherman
Cummings	Lowey	Skelton
Davis (AL)	Lucas (KY)	Slaughter
Davis (CA)	Lynch	Smith (WA)
Davis (FL)	Majette	Snyder
Davis (IL)	Maloney	Solis
Davis (TN)	Markey	Spratt
DeFazio	Marshall	Stark
DeGette	Matheson	Stenholm
Delahunt	Matsui	Strickland
DeLauro	McCarthy (MO)	Stupak
Deutsch	McCarthy (NY)	Tanner
Dicks	McCollum	Tauscher
Dingell	McDermott	Taylor (MS)
Doggett	McGovern	Thompson (CA)
Dooley (CA)	McIntyre	Thompson (MS)
Doyle	McNulty	Tierney
Edwards	Meehan	Turner (TX)
Emanuel	Meek (FL)	Udall (CO)
Engel	Meeks (NY)	Udall (NM)
Eshoo	Menendez	Van Hollen
Etheridge	Michaud	Velazquez
Evans	Millender	Vislosky
Farr	McDonald	Waters
Fattah	Miller (NC)	Watson
Filner	Miller, George	Watt
Ford	Mollohan	Waxman
Frank (MA)	Moore	Weiner
Frost	Moran (VA)	Wexler
Gonzalez	Murtha	Woolsey
Gordon	Nadler	Wu
Green (TX)	Napolitano	Wynn

NOES—220

Aderholt	Bonner	Castle
Akin	Bono	Chabot
Bachus	Boozman	Choccola
Baker	Bradley (NH)	Coble
Ballenger	Brady (TX)	Cole
Barrett (SC)	Brown (SC)	Collins
Bartlett (MD)	Brown-Waite,	Combest
Barton (TX)	Ginny	Cox
Bass	Burgess	Crane
Beauprez	Burns	Crenshaw
Bereuter	Burr	Cubin
Biggert	Burton (IN)	Culberson
Bilirakis	Buyer	Cunningham
Bishop (UT)	Calvert	Davis, Jo Ann
Blackburn	Camp	Davis, Tom
Blunt	Cannon	Deal (GA)
Boehlert	Cantor	DeLay
Boehner	Capito	DeMint
Bonilla	Carter	Diaz-Balart, L.

Diaz-Balart, M. Kelly
 Doolittle Kennedy (MN)
 Dreier King (IA)
 Duncan King (NY)
 Dunn Kingston
 Ehlers Kirk
 Emerson Kline
 English Knollenberg
 Everett Kolbe
 Feeney LaHood
 Ferguson Latham
 Flake LaTourette
 Fletcher Leach
 Foley Lewis (CA)
 Forbes Lewis (KY)
 Fossella Linder
 Franks (AZ) LoBiondo
 Frelinghuysen Lucas (OK)
 Gallegly Manzullo
 Garrett (NJ) McCotter
 Gerlach McHugh
 Gibbons McKeon
 Gilchrest Mica
 Gingrey Miller (FL)
 Goode Miller (MI)
 Goodlatte Moran (KS)
 Granger Murphy
 Graves Musgrave
 Green (WI) Myrick
 Greenwood Ney
 Gutknecht Northup
 Hall Norwood
 Harris Nunes
 Hart Nussle
 Hastings (WA) Osborne
 Hayes Ose
 Hefley Otter
 Hensarling Oxley
 Herger Paul
 Hobson Pearce
 Hoekstra Pence
 Hostettler Peterson (PA)
 Houghton Petri
 Hulshof Pickering
 Hunter Pitts
 Hyde Platts
 Isakson Pombo
 Issa Porter
 Istook Portman
 Jenkins Pryce (OH)
 Johnson (CT) Putnam
 Johnson (IL) Quinn
 Johnson, Sam Radanovich
 Jones (NC) Ramstad
 Keller Regula

NOT VOTING—21

Baird Hayworth
 Ballance Janklow
 Cardin Jefferson
 Gephardt Kilpatrick
 Gillmor Kind
 Goss Lipinski
 Gutierrez McCreery

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise Members that there are 2 minutes left on the 15-minute clock.

□ 2112

Mrs. MALONEY changed her vote from “no” to “aye.”
 So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, due to a family emergency, I was unavoidably absent on January 8, 2003. I ask the RECORD to reflect that, had I been present, I would have voted “yea” on rollcall vote 7, final passage of

S. 23, the Unemployment Insurance Benefits Extension Act.

CONGRATULATING OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 10.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, H. Res. 10, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered “present” 4, not voting 24, as follows:

[Roll No. 12]

YEAS—404

Abercrombie Chocola
 Ackerman Clay
 Aderholt Clyburn
 Akin Coble
 Alexander Cole
 Allen Collins
 Andrews Combest
 Baca Conyers
 Bachus Cooper
 Baker Costello
 Baldwin Cox
 Ballenger Cramer
 Barrett (SC) Crane
 Bartlett (MD) Crenshaw
 Barton (TX) Crowley
 Bass Cubin
 Beauprez Culberson
 Becerra Cummings
 Bell Cunningham
 Bereuter Davis (AL)
 Berkley Davis (CA)
 Berman Davis (FL)
 Berry Davis (IL)
 Biggert Davis (TN)
 Bishop (GA) Davis, Jo Ann
 Bishop (NY) Davis, Tom
 Bishop (UT) Deal (GA)
 Blackburn DeFazio
 Blumenauer DeGette
 Blunt Delahunt
 Boehlert DeLauro
 Boehner DeLay
 Bonilla DeMint
 Bonner Deutsch
 Bono Diaz-Balart, L.
 Boozman Diaz-Balart, M.
 Boswell Dicks
 Boucher Dingell
 Boyd Doggett
 Bradley (NH) Dooley (CA)
 Brady (PA) Doolittle
 Brown (OH) Doyle
 Brown (SC) Dreier
 Brown, Corrine Duncan
 Brown-Waite, Dunn
 Ginny Edwards
 Burgess Ehlers
 Burns Emanuel
 Burr Emerson
 Burton (IN) Engel
 Buyer English
 Calvert Eshoo
 Camp Etheridge
 Cannon Evans
 Cantor Everett
 Capito Farr
 Capps Fattah
 Capuano Feeney
 Cardoza Ferguson
 Carson (IN) Filner
 Carson (OK) Flake
 Carter Fletcher
 Case Foye
 Castle Forbes
 Chabot Ford

Keller Nadler
 Kelly Napolitano
 Kennedy (MN) Neal (MA)
 Kennedy (RI) Ney
 Kildee Northup
 King (IA) Norwood
 King (NY) Nunes
 Kingston Nussle
 Kirk Oberstar
 Kleczka Oliver
 Kline Ortiz
 Knollenberg Osborne
 Kolbe Ose
 Kucinich Otter
 LaHood Owens
 Lampson Oxley
 Langevin Pallone
 Lantos Pascrell
 Larsen (WA) Pastor
 Larson (CT) Paul
 Latham Pearce
 LaTourette Pelosi
 Leach Pence
 Lee Peterson (MN)
 Levin Peterson (PA)
 Lewis (CA) Petri
 Lewis (GA) Pickering
 Lewis (KY) Pitts
 Linder Platts
 LoBiondo Pombo
 Lofgren Pomeroy
 Lowey Porter
 Lucas (KY) Portman
 Lucas (OK) Price (NC)
 Lynch Pryce (OH)
 Majette Putnam
 Maloney Quinn
 Manzullo Radanovich
 Markey Rahall
 Marshall Ramstad
 Matheson Rangel
 Matsui Regula
 McCarthy (MO) Rehberg
 McCarthy (NY) Renzi
 McCollum Reyes
 McCotter Reynolds
 McGovern Rodriguez
 McHugh Rogers (AL)
 McIntyre Rogers (KY)
 McKeon Rogers (MI)
 McNulty Rohrabacher
 Meehan Ros-Lehtinen
 Meek (FL) Ross
 Meeke (NY) Rothman
 Menendez Roybal-Allard
 Mica Royce
 Michaud Ruppertsberger
 Millender Ryan (OH)
 McDonald Ryan (WI)
 Miller (FL) Ryun (KS)
 Miller (MI) Sabo
 Miller (NC) Sanchez, Linda
 Miller, George T.
 Mollohan Sanchez, Loretta
 Moore Sandlin
 Moran (KS) Saxton
 Moran (VA) Schakowsky
 Murphy Schiff
 Murtha Schrock
 Musgrave Scott (GA)
 Myrick Scott (VA)

NAYS—1

Sensenbrenner

ANSWERED “PRESENT”—4

Hinchey Sanders
 Obey Tierney

NOT VOTING—24

Baird Hayworth
 Ballance Janklow
 Bilirakis Kaptur
 Brady (TX) Kilpatrick
 Cardin Kind
 Gillmor Lipinski
 Goss McCreery
 Gutierrez McDermott

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair would advise the Members that there are 2 minutes left in the 5-minute vote.