Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Abercrombie
Baldacci
Barr
Berman
Blagojevich
Boehner
Bonior
Brown (OH)
Burr
Callahan
Clay
Clement
Condit
Cooksey
Cubin
Davis, Tom
Dingell
Doyle
Dunn
Engel
Fattah
Fossella
Gilchrest
Gordon
Granger
Grucci
Gutierrez
Hansen
Hill
Hilleary
Hinchey
Hooley
Horn
Houghton
Hulshof
Johnson, Sam
Kleczka
Lipinski
Lynch
Maloney (CT)
Manzullo
Markey
McGovern
McKinney
Meehan
Meek (FL)
Miller, George
Murtha
Nadler
Neal
Northup
Owens
Oxley
Payne
Pryce (OH)
Radanovich
Rangel
Roukema
Sawyer
Saxton
Schaffer
Stearns
Stump
Tancredo
Taylor (NC)
Waters
Watkins (OK)
Weiner
Wexler

□ 1101

Messrs. COMBEST, KENNEDY of Minnesota, CANNON, THOMPSON of California, FLAKE, BRADY of Texas, OTTER, CROWLEY, and BISHOP changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MANZULLO. Mr. Speaker, on rollcall No. 471 the bells in my office failed to work. Had I been present, I would have voted ''nay.''

## PROVIDING FOR CONSIDERATION OF H.J. RES. 124, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003, AND FOR CONSIDERATION OF H.R. 5708, REDUCING PREEXISTING PAYGO BALANCES

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, for the purpose of making an announcement.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

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

Mr. Speaker, on the subject of today's schedule, we are about 30 minutes away from completing our consideration of the CR and PAYGO rule. We would obviously have a vote if it is requested. We would then try to move on to the CR and complete that work. From that it would be our desire to take up the Homeland Security rule and move on to the Homeland Security bill. We would then do the PAYGO bill later today or possibly tomorrow.

But, Mr. Speaker, this is the key point I would like to call Members' attention to: I would like to advise Members that the House will recess from approximately 2 o'clock to 6 o'clock for the Republican organizational conference. As a consequence of the need to do so, I should mention that if we are unable to complete the Homeland Security bill before 2 o'clock p.m., we would be asking Members to resume business tonight at the completion of the Republican conference at approximately 6 o'clock this evening.

It is obviously, I think, probably a desire for most of us if we can expedite completion of Homeland Security by 2. It is my duty to advise Members as early as possible to consider their plans for tonight with respect to the possibility that we may be reconvening for business for the completion of Homeland Security's consideration tonight beginning at 6 o'clock.

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

Mr. ARMEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the distinguished majority leader for presenting the schedule for today.

Mr. Speaker, is it the gentleman's view that we will have the PAYGO vote today as well, or will that vote be rolled until tomorrow?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's request. It is essentially a matter of priority. Our first priority, obviously, is to complete the continuing resolution. We would put Homeland Security as a priority ahead of PAYGO. If we did not get PAYGO done today, we would do it tomorrow.

Ms. PELOSI. Mr. Speaker, if the gentleman will continue to yield, if we debated it today, is there a possibility that we would vote on it tomorrow, or has that decision been made?

Mr. ARMEY. Reclaiming my time, no, we have not made that decision. Frankly, we understand that Members do have points they would like to make. We would like to make sure that debate time is available to everybody with respect to these issues. We will be working our way around these two very important organizational conferences. The gentlewoman understands the importance of them.

Ms. PELOSI. Mr. Speaker, if the gentleman will continue to yield, I would ask the gentleman, Mr. Leader, could you inform us of the schedule for tomorrow, and would that be the last day of the session?

Mr. ARMEY. Mr. Speaker, we would be addressing any available conference reports tomorrow. We would try to complete our work by tomorrow night sometime. We do have some very good legislative opportunities in the presence of some of those conference reports. But I believe we will be in recess, and no votes would be requested during the Democrat organizational conference.

Ms. PELOSI. I understand that about today. But does the gentleman anticipate that we will be working through the weekend, or will the schedule end tomorrow?

Mr. ARMEY. Mr. Speaker, again, let me thank the gentlewoman for her inquiry. It is my anticipation that we would complete our work sometime tomorrow afternoon or evening. I do not anticipate working on the floor on Friday or the weekend.

However, again, let me just say, if we are all mindful of our own best interests and those of our colleagues and we try to be cooperative and move things along, obviously it will go better. We have some opportunities that are very important for the American people in the person of these conference reports, and we would not want to leave any behind. But I do not see that it is necessary for us to expect to work beyond Thursday night.

Ms. PELOSI. Mr. Speaker, if the distinguished gentleman could continue to yield, I would just like to say, Mr. Leader, that I have expressed to you over and over again my dismay that we have only passed two appropriations bills and that we have a tremendous amount of unfinished business before the Congress.

However, I will use my remaining time to say that from what you have said, this may be your last or among your last colloquies on the floor of this House; and I would like, as the minority whip, to commend you for your service to the Congress, to wish you well in your future endeavors, and to thank you for your many courtesies.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, as the distinguished gentleman knows, I have made an art form of giving you grief on the schedule, so I am going to continue to do that. Is it the gentleman's intention that once we adjourn for this week or weekend, that we do not come back until the next Congress? Is that the intention of the leadership?

Mr. ARMEY. That is our expectation.

Mr. BARTON of Texas. Once we get our work done this week, we are home for the holidays?

Mr. ARMEY. It is our expectation that with the Homeland Security, the continuing resolution, the other conference reports that we can foresee, there would be nothing of such urgency before the Nation to require us to come back before January 7.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman for his excellent leadership and friendship and join all the others in wishing him well in whatever his future endeavors are.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Speaker, I do not do this lightly. In my period of time being in the majority, I have never rose opposing a rule, so this is a very serious moment for me. I want my side to understand why I am doing this and this side to understand also why I am doing it, and suggest a ''no'' vote on this rule.

House Joint Resolution 124 will continue to keep in place a spending limit of $27.7 billion on Federal aid to highway programs. Last month I agreed to this limitation; but I was clear that if the continuing resolution ran beyond December 31, I would move to strike the language.

This continuing resolution runs until January 11, 2003. That does not sound like a long time. However, we cannot be certain that the Congress will move quickly to enact appropriation bills in January.

Mr. OBERSTAR. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman is correct.

Mr. YOUNG of Alaska. I am watching that side, and whoever is talking, you can forget any highway funds.

The SPEAKER pro tempore. The gentleman will suspend.

Would the Members on the minority side in the rear of the Chamber please remove your conversations from the floor so the gentleman can be heard.

Mr. YOUNG of Alaska. However, we cannot be certain that Congress will move quickly to enact appropriation bills in January. In fact, with reorganization activities and a new majority in the Senate, there is a high level of uncertainty about timing for the entire appropriation process.

Because of this uncertainty, it is imperative we absolutely be clear that the highway program will continue at the full enacted funding level of $31.8 billion, as it is cleared today. That is the level we are spending monies today, not $27.7 billion.

It is important to note that except for the highway program, this program, the one that affects every one of your districts, that this continuing resolution continues all activities under the fiscal year of 2002 funding levels, all activities. But they picked out the highway program. It is unfair to cut the highway programs in your district.

Now, Members should keep that in mind very closely when they cast their vote. Every dollar of the $31.8 billion funding level we support comes from the highway trust fund. It does not come from the general budget. It does not come from the general fund. It is the trust fund. It is the money of the users of the highways. It is funded by fuel taxes, it is paid by the highway users; and those highway funds should be used to sustain jobs and reduce congestion and improve our economy.

Mr. Speaker, I cannot for the life of me, I have talked to my appropriations brother, I have talked to the Speaker, I have talked to the majority leader, I have talked to the minority leader. I do not know where this is coming from. If this is coming from the White House, shame on them.

This is not their money, it is our money; and to this have this one program singled out is inappropriate. I have talked to the Committee on Rules chairman, and I talked to the Speaker, and I have talked to the leadership of this House; and I said this is not fair, we ought not to do this. Leave it at $31 billion, as it should be, come back and do the job right and not continue to nip at us. This is the fourth time we have done this.

I want to know who is responsible. Can anybody give me an idea where this is coming from? They cannot do that. I as the chairman of the committee and all of my 75 Members better understand one thing. If we leave it at $27 billion, you can keep one thing in mind: this is an attempt by this administration to use this trust fund money to try to use it for other uses in the budget instead of as highway funds. So for the first time, I am going to ask my people to vote ''no'' on this rule.

Mr. Speaker, I am somewhat embarrassed, because last month the gentleman from Wisconsin (Mr. OBEY) and I had this discussion on the floor, and I had thought I had an agreement to protect this; and I said specifically then to accept the $27.1 billion, the level that was decided, but with the understanding that we would spend it at $31.8 billion if it did not go beyond the first of the year.

What has happened here, again, I have not had anybody tell me where this is coming from. It is not your money. It is not the White House's money. This belongs to the users of the highway. We can come back, pass another rule, and make sure that we do the job right. And, believe me, I will find out where this is coming from.

□ 1115

You are not going to take this money away from the users of the highway. They paid for it. They want the highways. They want the infrastructure. We talk about stimulating the economy. Forget all of these other programs they are talking about. Let us create jobs by building our bridges and our highways. Let us do it. If we want to stimulate something, let us stimulate it with real jobs and not make believe.

So I would just keep in mind, let us put this rule down and come back with the right rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I greatly appreciate the remarks delivered with sincerity and passion by the chairman of our committee, the gentleman from Alaska (Mr. YOUNG).

We did have this conversation just prior to the election. We did have a discussion of what would be the level of funding for the Federal Aid Highway Program in the continuing resolution. We were assured by the Committee on Appropriations leadership, by the leadership of the House, the gentleman from Alaska had specific assurances from the Office of Management and Budget that funding would be at the level of $31.8 billion through the beginning of the year and would continue at that level until probably August, if there were no further changes made in the appropriation bill, underlying appropriation bill itself, and at that point then the funding level would drop down to $27.1 billion. The resolution before us breaks all of those agreements, discards all of those understandings, throws it all aside.

The reality is today this is a raid on the Highway Trust Fund. We have a $15 billion surplus in the Highway Trust Fund today. That surplus was anticipated in 1998 when the Committee on Transportation and Infrastructure wrote what we know today as TEA–21, moved it through conference and back to the House, with a commitment of increased levels of funding. We knew the trust fund was going to grow because of increased revenues into the trust fund. We anticipated and we provided for in that authorization legislation a $15 billion surplus to be drawn down and invested in highways, not to offset a deficit, and that is what is happening here. Money is being held back.

In 1998, at the beginning of the year when we crafted TEA–21, there was a $29 billion surplus in the Highway Trust Fund, which our committee agreed to yield for debt reduction. And when the bill was signed into law, I am sure everybody felt a great lift off of their shoulders of that debt, because that $29 billion went to reduce public debt. But the commitment was that in exchange for giving up the surplus and giving up interest on revenues paid into the Highway Trust Fund year-to-year, that we would have a guaranteed account, a dedicated revenue stream with which to invest in highways and bridges and transit systems in America. And we did it, and it worked wonderfully for 5 years. In those 5 years we invested $120 billion of Federal funds in

the Federal Aid Highway Program. By comparison, in the 42 years of the Interstate Highway Program, we invested $114 billion of Federal funds in the interstate system. It took 42 years because we had a dedicated account, a guaranteed revenue stream.

This breaks that commitment. This resolution draws it all down. We will lose millions, billions of dollars in investments and thousands and thousands of jobs. If you want to come to the desk, I have a list of what each State will lose if this resolution passes.

Mr. HASTINGS of Washington. Mr. Speaker, I would advise my friend I have no further speakers.

Mr. HASTINGS of Florida. Mr. Speaker, I have one final speaker, and I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply point out to both of the gentlemen who have just spoken from the Committee on Transportation and Infrastructure that I warned the Committee on Transportation and Infrastructure before the election when we debated this that they were going to be shortsheeted on this continuing resolution, and that has now, unfortunately, come to pass. So I would say that I agree with the observations of the gentleman from Alaska (Mr. YOUNG), all but one of them.

I would also say that it is not true that only highways are being hurt by this continuing resolution. The National Institutes of Health will encounter a severe problem in issuing their grants for the year. Veterans will not be able to have the backlogs dealt with in terms of veterans health care. The Securities and Exchange Commission is not going to be funded at the level that was promised in the authorization bill before the election. We are not going to see the Medicare give-backs that our providers around the country were looking for. There are going to be all kinds of other problems as well as the highway problem. So I think there are a good many reasons, including the highway problem, to vote against this rule and against this resolution.

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

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

The previous question was ordered.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 189, not voting 27, as follows:

[Roll No. 472]

YEAS—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
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
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
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
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
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)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
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
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
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
Wexler
Woolsey
Wu
Wynn

NOT VOTING—27

Blagojevich
Clement
Condit
Cubin
Dingell
Doyle
Fattah
Gordon
Grucci
Gutierrez
Hinchey
Hooley
Houghton
Lipinski
Manzullo
McKinney
Miller, George
Murtha
Neal
Oxley
Payne
Rangel
Roukema
Sawyer
Strickland
Stump
Weiner

□ 1152

Mr. ABERCROMBIE changed his vote from ''yea'' to ''nay.''

Mrs. KELLY and Messrs. HEFLEY, REGULA, QUINN, DOOLITTLE, MICA, LOBIONDO, LATOURETTE, HERGER, YOUNG of Alaska, BAKER, BEREUTER, and PETRI changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MANZULLO. Mr. Speaker, on rollcall No. 472 the bells in my office failed to work. Had I been present, I would have voted ''yea.''

## 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. 124 and that I may include tabular and extraneous material.

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

There was no objection.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 124) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.