

The vote was taken by electronic device, and there were—yeas 286, nays 42, not voting 104, as follows:

[Roll No. 574]

YEAS—286

|               |               |               |
|---------------|---------------|---------------|
| Aderholt      | Gallely       | Norwood       |
| Andrews       | Ganske        | Nussle        |
| Army          | Gekas         | Obey          |
| Baca          | Gephardt      | Ortiz         |
| Bachus        | Gibbons       | Ose           |
| Baker         | Gilchrest     | Packard       |
| Baldacci      | Gonzalez      | Pascarell     |
| Baldwin       | Gordon        | Paul          |
| Ballenger     | Goss          | Payne         |
| Barcia        | Graham        | Pease         |
| Barrett (NE)  | Granger       | Pelosi        |
| Barrett (WI)  | Green (TX)    | Peterson (PA) |
| Bartlett      | Green (WI)    | Petri         |
| Barton        | Hall (OH)     | Phelps        |
| Bass          | Hall (TX)     | Pickering     |
| Bentsen       | Hansen        | Pitts         |
| Berkley       | Hastings (WA) | Pombo         |
| Berman        | Hayes         | Pomeroy       |
| Berry         | Hayworth      | Porter        |
| Biggert       | Herger        | Portman       |
| Billirakis    | Hill (IN)     | Price (NC)    |
| Blagojevich   | Hill (MT)     | Radanovich    |
| Bliley        | Hilleary      | Rahall        |
| Blumenauer    | Hinojosa      | Rangel        |
| Blunt         | Hobson        | Regula        |
| Boehler       | Hoeffel       | Reyes         |
| Boehner       | Hoekstra      | Reynolds      |
| Bonilla       | Holden        | Rivers        |
| Bonior        | Hooley        | Rodriguez     |
| Bono          | Horn          | Roemer        |
| Boswell       | Hostettler    | Rogan         |
| Boyd          | Houghton      | Rogers        |
| Brady (TX)    | Hunter        | Rohrabacher   |
| Brown (OH)    | Hutchinson    | Ros-Lehtinen  |
| Bryant        | Inslee        | Roukema       |
| Burr          | Isakson       | Roybal-Allard |
| Burton        | Istook        | Royce         |
| Buyer         | Jackson (IL)  | Rush          |
| Callahan      | Jefferson     | Ryan (WI)     |
| Calvert       | Jenkins       | Ryun (KS)     |
| Camp          | John          | Salmon        |
| Canady        | Johnson, Sam  | Sanders       |
| Cannon        | Jones (NC)    | Sandlin       |
| Capps         | Jones (OH)    | Sanford       |
| Cardin        | Kelly         | Sawyer        |
| Carson        | Kildee        | Saxton        |
| Castle        | Kind (WI)     | Scarborough   |
| Chabot        | King (NY)     | Scott         |
| Chambliss     | Kleczka       | Sensenbrenner |
| Clement       | Knollenberg   | Serrano       |
| Coble         | Kuykendall    | Sessions      |
| Collins       | LaHood        | Shadegg       |
| Combest       | Lampson       | Sherman       |
| Cook          | Largent       | Sherwood      |
| Cox           | Larson        | Shimkus       |
| Coyne         | Leach         | Shows         |
| Cramer        | Levin         | Simpson       |
| Cubin         | Lewis (CA)    | Sisisky       |
| Cummings      | Lewis (KY)    | Skeen         |
| Cunningham    | Linder        | Skelton       |
| Davis (FL)    | Lofgren       | Smith (MI)    |
| Davis (VA)    | Lucas (KY)    | Smith (NJ)    |
| Deal          | Lucas (OK)    | Smith (TX)    |
| DeGette       | Luther        | Smith (WA)    |
| DeLauro       | Manzullo      | Souder        |
| DeLay         | Markey        | Spence        |
| DeMint        | Mascara       | Stearns       |
| Deutsch       | Matsui        | Strickland    |
| Diaz-Balart   | McCarthy (MO) | Stump         |
| Dicks         | McCarthy (NY) | Sununu        |
| Dingell       | McCrery       | Tanner        |
| Dixon         | McHugh        | Tauscher      |
| Doggett       | McKeon        | Tauzin        |
| Doolittle     | McKinney      | Taylor (NC)   |
| Doyle         | McNulty       | Terry         |
| Dreier        | Meeks (NY)    | Thomas        |
| Duncan        | Mica          | Thornberry    |
| Dunn          | Miller (FL)   | Thune         |
| Edwards       | Miller, Gary  | Thurman       |
| Ehlers        | Minge         | Tiahrt        |
| Ehrlich       | Mink          | Tierney       |
| Emerson       | Moakley       | Toomey        |
| Eshoo         | Mollohan      | Trafficant    |
| Etheridge     | Moore         | Turner        |
| Evans         | Morella       | Udall (CO)    |
| Everett       | Murtha        | Upton         |
| Ewing         | Myrick        | Vitter        |
| Farr          | Nadler        | Walden        |
| Fletcher      | Napolitano    | Walsh         |
| Foley         | Nethercutt    | Wamp          |
| Frelinghuysen | Ney           | Waters        |
| Frost         | Northup       | Watt (NC)     |

Waxman  
Weldon (FL)  
Weldon (PA)  
Wexler

Whitfield  
Wilson  
Wolf  
Woolsey

Young (AK)  
Young (FL)

year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

NAYS—42

Baird  
Bilbray  
Borski  
Brady (PA)  
Capuano  
Clyburn  
Coburn  
Condit  
Costello  
DeFazio  
English  
Filner  
Gejdenson  
Gutknecht  
Holt  
Jackson-Lee (TX)  
Kingston  
Kucinich  
Latham  
Lee  
LoBiondo  
McDermott  
McGovern  
Miller, George  
Moran (KS)  
Neal  
Oberstar  
Olver  
Pastor

Peterson (MN)  
Ramstad  
Rothman  
Sabo  
Schaffer  
Schakowsky  
Stenholm  
Taylor (MS)  
Thompson (CA)  
Udall (NM)  
Weller  
Wicker  
Wu

NOT VOTING—104

Abercrombie  
Ackerman  
Allen  
Archer  
Barr  
Becerra  
Bereuter  
Bishop  
Boucher  
Brown (FL)  
Campbell  
Chenoweth-Hage  
Clay  
Clayton  
Conyers  
Cooksey  
Crane  
Crowley  
Danner  
Davis (IL)  
Delahunt  
Dickey  
Dooley  
Engel  
Fattah  
Forbes  
Ford  
Fossella  
Fowler  
Frank (MA)  
Franks (NJ)  
Gillmor  
Gilman  
Goode  
Goodlatte

Goodling  
Greenwood  
Gutierrez  
Hastings (FL)  
Hefley  
Hilliard  
Hinchee  
Hoyer  
Hulshof  
Hyde  
Johnson (CT)  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kilpatrick  
Klink  
Kolbe  
LaFalce  
Lantos  
LaTourette  
Lazio  
Lewis (GA)  
Lipinski  
Lowey  
Maloney (CT)  
Maloney (NY)  
Martinez  
McCollum  
McInnis  
McIntosh  
McIntyre  
Meehan  
Meek (FL)

Menendez  
Metcalf  
Millender-  
McDonald  
Moran (VA)  
Owens  
Oxley  
Pallone  
Pickett  
Pryce (OH)  
Quinn  
Riley  
Sanchez  
Shaw  
Shays  
Shuster  
Slaughter  
Snyder  
Spratt  
Stabenow  
Stark  
Stupak  
Sweeney  
Talent  
Tancredo  
Thompson (MS)  
Towns  
Velazquez  
Visclosky  
Watkins  
Watts (OK)  
Weiner  
Weygand  
Wise  
Wynn

1823

So the Journal was approved.  
The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. THORNBERRY). Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

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, and that I may include tabular and extraneous material, on H.J. Res. 119.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 119 is as follows:

H.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275,

is further amended by striking the date specified in section 106(c) and inserting "October 30, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair will recognize the gentleman from Florida (Mr. YOUNG).

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

Mr. Speaker, this is another one of those one-day CRs. We find ourselves here in the House Chamber on Sunday night because the President of the United States refuses to sign a continuing resolution longer than 24 hours. This resolution is to provide for one more day of continuing government funding until tomorrow night.

I would report briefly that the negotiations are ongoing this afternoon, negotiations with both parties and both Houses of the Congress. We will be meeting with the representatives of the White House later tonight. We would make every effort possible to conclude those negotiations sometime before tomorrow morning and hopefully be able to write this final bill and to file it in the House sometime tomorrow night and possibly have it on the floor Tuesday. That is why we are here tonight, Mr. Speaker.

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

1830

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

Mr. Speaker, while I am told the Packers lost, my only consolation is I guess the Vikings did too.

Mr. Speaker, we are now faced with the need to pass the eighth continuing resolution, I believe, of the year. Well, let me back up and just make an observation.

The gentleman from Florida (Mr. YOUNG) said we are here tonight because the President refused to sign any continuing resolution longer than 1 day. Let me respectfully disagree with that statement. We are here because the House worked all year, diligently, and passed all 13 appropriation bills.

The problem is that those bills had no attachment to reality. Those bills were fashioned, as they were, in order to allow the majority to continue its pretense that the surpluses would be large enough that we could provide very large tax cuts and still balance the budget and pay down the debt and provide all of the funding that the Congress intended to provide for its discretionary programs. The Congress, in the month of October, at least the House itself, did not finish action on a single appropriation bill, and now we are faced with the necessity to do a year's worth of work in 1 month's time.

The reason the President indicated he would not sign continuing resolutions longer than 1 day is because virtually no progress was made for the

first month after he had signed a series of longer continuing resolutions, and he felt that it was necessary to try to bring things to a head so that this body would in fact get its work done. Article I of the Constitution gives us the requirement to get our work done on basic things like the budget. The Congress has not done so. There are a number of bills that still have not yet gone to the President's desk.

So now we not only are dragging in terms of schedule, but because a whole range of other issues were not dealt with by this House and by the authorizing committees, we now have 313 separate authorization items which we are being asked to include in this bill by various persons within this institution. We are supposed to go through all of those items between 6:30 tonight and 10 o'clock tonight.

I am going to let somebody else say with a straight face that they will know what they are doing in dealing with all of those bills. I am one of the four that is supposed to deal with them, and I certainly do not know what all of them are.

The good Senator can tell me to stop speaking if he wants, but he is a guest in this House. Let me simply say that I am not going to stop speaking until I have finished my statement.

I would simply ask Members to recognize that this is not a responsible way to run a railroad. I hope it never happens again, and I would hope that tonight, as we enter that room, that we have a flexible response from the Republican leadership to the White House offer yesterday to end this impasse.

The White House has laid out a fairly straightforward proposition for ending the divisions, at least on the major bill that divides us, the Labor-Health-Education bill. I would hope that we would have flexibility on the part of both sides as we are in those negotiations.

Mr. Speaker, let me simply say I regret as much as anyone the fact that Members have to be kept here, but had we had a series of honest appropriation bills and sensible orders from the House leadership to begin with over the first 8 months of this year, all of this chaos would not be necessary.

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

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

Mr. Speaker, I just want to reiterate, we could have passed a continuing resolution on Friday that would have kept us going until Monday night, and Members could have been home Saturday and Sunday in their districts tending to their district business. But the President refused to sign one that would take us until Monday night, so we are here doing it on Sunday to get to Monday night. So that is the real reason.

Regarding the argument that my friend, the gentleman from Wisconsin (Mr. OBEY), makes about where we are in the process, the House Committee

on Appropriations had concluded all of its appropriations bills in July, early July, and we had them all through on the floor. We had them all through on the floor, and 12 of the 13 were passed through this House. The 13th was prepared to be passed, but it was pulled off of the schedule in July, and we did not take it up again until we came back from the August recess.

The House has done its job. But what has happened here, as the gentleman from Wisconsin (Mr. OBEY) has mentioned, is how many requests we have had from Members of the House on both sides of the aisle, Members of the Senate on both sides of the aisle, from the President of the United States, some of them just coming over, many slipped in the doorway in the last couple of days. So we have had to deal with all of these issues.

That, plus the fact that we have spent hour after hour, day after day, on amendments to bills in the House that had nothing to do with an appropriations bill, that were not germane, that were subject to a point of order; but as a courtesy to the minority, we allowed them hours and hours and hours of extra time on those amendments that we knew were not even in order. In fact, in most cases, the sponsor of the amendment withdrew the amendment after the delaying tactics of using up that time.

Now, that is why we are here. Let us be honest about it. We are here because the President will sign only a one-day CR per day, and we are here because there have been certain delaying tactics that have kept this House behind its appointed schedule.

Now, we ought to get this CR through here quickly so the other body can pass it tonight and the President can have it and sign it in time for the government to continue tomorrow.

There is another reason. Every hour that we spend on this floor now takes the gentleman from Wisconsin (Mr. OBEY) and myself, who are negotiators for the House, away from the negotiating table. We have Senators waiting in another room, waiting for us to come back to try to continue those negotiations, to go over the list of requests made by our colleagues here in the House, to see if we can agree to them or if we cannot agree to them.

So these unnecessary delays are keeping us from concluding our business. That is one reason that the gentleman from Wisconsin (Mr. OBEY) and I, whether we like it or not, are going to be here until the late hours tonight, Sunday night, and probably into the early hours of Monday morning, if we are going to get this product completed and filed by tomorrow night.

Mr. Speaker, I wanted to advise the gentleman from Wisconsin (Mr. OBEY) that at this point I have no further requests for time and will reserve the balance of my time so that we can conclude this CR.

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

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

Mr. Speaker, I do not want to prolong this, because the gentleman and I need to get back to the negotiations, but I do want to respond to one point he said. He has made much of the fact that the majority was so kind and gracious that they gave the minority an opportunity to debate amendments which were not in order.

Let me say that that itself is the problem, because the majority used the Committee on Rules to prevent us from offering amendments that would have made those appropriation bills real. They prevented us from offering those amendments because they knew if we brought them to the floor they would have enough Republican support, along with our support, to pass. So, instead of giving us the opportunity to get a vote on items that we thought were necessary, they said, no, we will not give you the right to vote on them. All we will do is give you an opportunity to talk on them for a little bit. So that was the second best option. It was the only option we were given.

So I think, in fact, the gentleman's remarks illustrate how arbitrary the majority was in assuring that the minority would never be able to produce amendments that would make these bills real. That is why we are stuck here tonight.

The other point I would simply make is that the majority has now passed appropriation bills which have taken these bills billions of dollars above the level of the amendments that we tried to offer that they said were not in order in the first place because they supposedly exceeded the budget resolution. The majority itself has now exceeded their own budget resolution by almost \$40 billion. So the idea that somehow we had a real legislative process going on on those 13 bills is a joke.

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

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

Mr. Speaker, I just wanted to make the point that all of the appropriations bills that we brought to the House floor were under an open rule, an open rule, and the rules of the House prevailed.

I would just like to say to my friend, the gentleman from Wisconsin (Mr. OBEY), that when we did allow that extra time of debate on amendments that were not even in order, that is the courtesy we showed to the minority that when they were the majority party they never showed to us.

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

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

MR. OBEY. Mr. Speaker, that is a distinction without meaning, because the fact is the gentleman says we were given amendments that we could offer under an open rule. But in fact that

was a closed rule, because of the nature of the budget resolution, which was so artificially low in order to make room for your "let's-pretend-tax-cut," that the rules were then used to preclude us from offering amendments that otherwise would have been in order under an open rule, and you know that as well as I do.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, that is a good spin on that subject, but check the record. They were open rules.

Mr. Speaker, I just ask for a vote on the CR, so we can get about the rest of our business tonight.

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

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

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

Pursuant to House Resolution 646, the previous question is ordered.

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

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

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

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

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 342, nays 7, not voting 83, as follows:

[Roll No. 575]

YEAS—342

|              |                |               |
|--------------|----------------|---------------|
| Ackerman     | Brown (OH)     | DeLay         |
| Aderholt     | Bryant         | DeMint        |
| Andrews      | Burr           | Deutsch       |
| Armey        | Burton         | Diaz-Balart   |
| Baca         | Buyer          | Dicks         |
| Bachus       | Callahan       | Dixon         |
| Baker        | Calvert        | Doggett       |
| Baldacci     | Camp           | Doolittle     |
| Baldwin      | Canady         | Doyle         |
| Ballenger    | Cannon         | Dreier        |
| Barcia       | Capps          | Duncan        |
| Barrett (NE) | Cardin         | Dunn          |
| Barrett (WI) | Carson         | Edwards       |
| Bartlett     | Castle         | Ehlers        |
| Bass         | Chabot         | Ehrlich       |
| Bentsen      | Chambliss      | Emerson       |
| Berkley      | Chenoweth-Hage | Engel         |
| Berman       | Clement        | English       |
| Berry        | Clyburn        | Eshoo         |
| Biggart      | Coble          | Etheridge     |
| Bilbray      | Coburn         | Evans         |
| Bilirakis    | Collins        | Everett       |
| Blagojevich  | Combest        | Ewing         |
| Bliley       | Condit         | Farr          |
| Blumenauer   | Cook           | Fattah        |
| Blunt        | Cox            | Filner        |
| Boehlert     | Coyne          | Fletcher      |
| Boehner      | Cramer         | Foley         |
| Bonilla      | Cubin          | Fossella      |
| Bonior       | Cummings       | Frelinghuysen |
| Bono         | Cunningham     | Frost         |
| Borski       | Davis (FL)     | Gallegly      |
| Boswell      | Davis (VA)     | Ganske        |
| Boyd         | Deal           | Gejdensen     |
| Brady (PA)   | DeGette        | Gekas         |
| Brady (TX)   | DeLauro        | Gephardt      |

|               |               |               |
|---------------|---------------|---------------|
| Gibbons       | Matsui        | Ryun (KS)     |
| Gilchrest     | McCarthy (MO) | Sabo          |
| Gilman        | McCarthy (NY) | Salmon        |
| Gonzalez      | McCrery       | Sanders       |
| Goode         | McDermott     | Sandlin       |
| Goodlatte     | McGovern      | Sanford       |
| Goodling      | McHugh        | Sawyer        |
| Gordon        | McKeon        | Saxton        |
| Goss          | McKinney      | Scarborough   |
| Graham        | McNulty       | Schaffer      |
| Granger       | Meeks (NY)    | Schakowsky    |
| Green (TX)    | Mica          | Scott         |
| Green (WI)    | Millender     | Sensenbrenner |
| Gutknecht     | McDonald      | Serrano       |
| Hall (OH)     | Miller (FL)   | Sessions      |
| Hall (TX)     | Miller, Gary  | Shadegg       |
| Hansen        | Minge         | Sherman       |
| Hastings (WA) | Mink          | Sherwood      |
| Hayes         | Moakley       | Shimkus       |
| Hayworth      | Mollohan      | Shows         |
| Herger        | Moore         | Simpson       |
| Hill (IN)     | Moran (KS)    | Sisisky       |
| Hill (MT)     | Morella       | Skeen         |
| Hilleary      | Murtha        | Skelton       |
| Hinojosa      | Myrick        | Slaughter     |
| Hobson        | Nadler        | Smith (MI)    |
| Hoeffel       | Napolitano    | Smith (NJ)    |
| Hoekstra      | Neal          | Smith (TX)    |
| Holden        | Nethercutt    | Smith (WA)    |
| Holt          | Ney           | Souder        |
| Hooley        | Northup       | Spence        |
| Horn          | Norwood       | Stabenow      |
| Hostettler    | Nussle        | Stearns       |
| Hoyer         | Oberstar      | Stenholm      |
| Hunter        | Obey          | Strickland    |
| Hutchinson    | Olver         | Stump         |
| Hyde          | Ortiz         | Sununu        |
| Inslee        | Ose           | Sweeney       |
| Isakson       | Packard       | Tanner        |
| Istook        | Pallone       | Tauscher      |
| Jackson (IL)  | Pascarell     | Tauzin        |
| Jackson-Lee   | Pastor        | Taylor (MS)   |
| (TX)          | Paul          | Taylor (NC)   |
| Jefferson     | Payne         | Terry         |
| Jenkins       | Pease         | Thomas        |
| John          | Pelosi        | Thompson (CA) |
| Johnson, Sam  | Peterson (MN) | Thornberry    |
| Jones (NC)    | Peterson (PA) | Thune         |
| Jones (OH)    | Petri         | Thurman       |
| Kelly         | Phelps        | Tiahrt        |
| Kildee        | Pickering     | Tierney       |
| Kind (WI)     | Pitts         | Toomey        |
| King (NY)     | Pombo         | Towns         |
| Kingston      | Pomeroy       | Trafficant    |
| Klecza        | Porter        | Turner        |
| Knollenberg   | Portman       | Udall (CO)    |
| Kucinich      | Price (NC)    | Udall (NM)    |
| Kuykendall    | Pryce (OH)    | Upton         |
| LaHood        | Quinn         | Velazquez     |
| Lampson       | Radanovich    | Vitter        |
| Largent       | Rahall        | Walden        |
| Larson        | Ramstad       | Walsh         |
| Latham        | Rangel        | Wamp          |
| Leach         | Regula        | Waters        |
| Lee           | Reyes         | Watt (NC)     |
| Levin         | Reynolds      | Waxman        |
| Lewis (CA)    | Rivers        | Weldon (FL)   |
| Lewis (KY)    | Rodriguez     | Weldon (PA)   |
| Linder        | Roemer        | Weller        |
| LoBiondo      | Rogan         | Wexler        |
| Lofgren       | Rogers        | Whitfield     |
| Lowey         | Rohrabacher   | Wicker        |
| Lucas (KY)    | Ros-Lehtinen  | Wilson        |
| Lucas (OK)    | Rothman       | Wolf          |
| Luther        | Roukema       | Woolsey       |
| Maloney (NY)  | Roybal-Allard | Wu            |
| Manzullo      | Royce         | Young (AK)    |
| Markey        | Rush          | Young (FL)    |
| Mascara       | Ryan (WI)     |               |

NAYS—7

|         |          |                |
|---------|----------|----------------|
| Baird   | Costello | Miller, George |
| Barton  | DeFazio  |                |
| Capuano | Dingell  |                |

NOT VOTING—83

|             |             |                |
|-------------|-------------|----------------|
| Abercrombie | Cooksey     | Gillmor        |
| Allen       | Crane       | Greenwood      |
| Archer      | Crowley     | Gutierrez      |
| Barr        | Danner      | Hastings (FL)  |
| Becerra     | Davis (IL)  | Hefley         |
| Bereuter    | Delahunt    | Hilliard       |
| Bishop      | Dickey      | Hinchee        |
| Boucher     | Dooley      | Houghton       |
| Brown (FL)  | Forbes      | Hulshof        |
| Campbell    | Ford        | Johnson (CT)   |
| Clay        | Fowler      | Johnson, E. B. |
| Clayton     | Frank (MA)  | Kanjorski      |
| Conyers     | Franks (NJ) | Kaptur         |

|              |            |               |
|--------------|------------|---------------|
| Kasich       | McIntosh   | Snyder        |
| Kennedy      | McIntyre   | Spratt        |
| Kilpatrick   | Meehan     | Stark         |
| Klink        | Meek (FL)  | Stupak        |
| Kolbe        | Menendez   | Talent        |
| LaFalce      | Metcalfe   | Tancredo      |
| Lantos       | Moran (VA) | Thompson (MS) |
| LaTourette   | Owens      | Visclosky     |
| Lazio        | Oxley      | Watkins       |
| Lewis (GA)   | Pickett    | Watts (OK)    |
| Lipinski     | Riley      | Weiner        |
| Maloney (CT) | Sanchez    | Weygand       |
| Martinez     | Shaw       | Wise          |
| McCollum     | Shays      | Wynn          |
| McInnis      | Shuster    |               |

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So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 574. Had I been present I would have voted "yea."

Additionally, I was unavoidably detained during rollcall vote No. 575. Had I been present I would have voted "yea".

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall Nos. 574 and 575 I missed votes due to an airline delay. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, as a result of travel difficulties, on rollcall No. 574 and rollcall No. 575, I was unavoidably detained en route to the Capitol. Had I been present, I would have voted "aye."

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. PALLONE. Mr. Speaker, I rise to offer a motion to instruct.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the motion.

The Clerk read as follows:

Mr. PALLONE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement on Medicare+Choice organizations to offer Medicare+Choice plans under part C of such title XVIII for a minimum contract period of three years, and to maintain the benefits specified under the contract for the three years.

The SPEAKER pro tempore. Under the rule, the gentleman from New Jer-

sey (Mr. PALLONE) and the gentleman from California (Mr. THOMAS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

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

Mr. Speaker, the motion I am offering is an amendment to inject some needed accountability into the Medicare+Choice program. It instructs the conferees to support language that would require HMOs participating in the Medicare+Choice program to stay in their given markets for 3 years. In addition, it instructs the conferees to support language that requires HMOs to provide all the benefits they promised to beneficiaries when they enrolled in Medicare HMOs.

Last week, the Republican leadership passed a Medicare refinement bill that is really nothing more than a special interest giveaway to the managed care industry. Over 40 percent of the money in this bill is given to the managed care industry, and it is given to the industry with virtually no strings attached.

Mr. Speaker, there is nothing in this bill that passed last Thursday that guarantees any stability for seniors or that the plans will stay in a given area. The only thing that is guaranteed is that the managed care industry will be granted a massive government windfall. I suppose it is a reward of sorts for the managed care industry from the Republican leadership for their effective campaign to prevent the patients' bill of rights from reaching the President's desk.

Unfortunately, the managed care industry's gain translates into a significant loss for Medicare beneficiaries and the entire spectrum of Medicare providers in the health community. Every Member in this Chamber has heard from providers in their districts, be it hospitals, home health care providers, nursing homes, hospices, community health centers and others, that are being crushed by the unintended financial burden of the balanced budget agreement. Despite last year's BBA refinement package, there are countless Medicare providers around the country whose ability to provide care to Medicare beneficiaries is precarious because of the lack of adequate reimbursement. In my district, I have already seen a hospital forced to close its doors.

Mr. Speaker, it would have been infinitely more appropriate to spread what money has been set aside in the budget for Medicare refinements more evenly throughout the program than to give a disproportionate sum to an industry that has a clear record of putting profits ahead of patients. Working with the White House, we will continue to fight for a more equitable distribution of funds so that the Medicare beneficiary, not the HMO executive, will come first.

It would have also been appropriate to require that the HMOs are held accountable for the care they are supposed to provide beneficiaries in ex-

change for the windfall the Republican leadership wants to give them. As we saw a few days ago, and as we have seen for the last several years, the Republican leadership is unwilling to break its special interest bond with the managed care industry. They remain steadfastly opposed to any measure that would require the managed care industry to act in a more responsible manner that Medicare beneficiaries and all patients have been demanding.

Mr. Speaker, let me also say that my motion is not an attempt to hamstring the managed care industry or weaken it in any way. I want to preserve it and make it stronger for all seniors who may want to enroll in HMOs for their care. In fact, I have introduced legislation myself that would restore funding to Medicare HMOs.

I am not, however, willing to simply give HMOs untold billions and then allow them to continue to pull the rug out from underneath seniors who are lured into HMOs with the promise of extra benefits. And this latter point about benefits is very important. Medicare beneficiaries are not just destabilized when their HMOs pull out of the market. They are oftentimes destabilized when their HMO stays and their HMO just rescinds the extra benefits that attracted the beneficiaries in the first place, the most popular example of that being prescription drug coverage.

Seniors should be afforded some peace of mind and be able to know that when they enroll in an HMO for prescription drug coverage or whatever extra benefits they enroll for, they are going to get those benefits. If the Republican leadership remains wedded to giving the managed care industry multibillion dollar special interest giveaways at the expense of all other Medicare providers, the least the Congress can do is require that seniors are going to get what they are promised.

If my colleagues on the other side are as committed as they purport they are to providing seniors with a Medicare prescription drug benefit, they should have no opposition to requiring managed care companies to agree to provide what they promised beneficiaries they will provide for at least a 3-year period. I do not think that is a lot to ask for and that is what this motion to instruct is all about.

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

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

Mr. Speaker, I think first of all we should look at this motion to instruct. There are several levels of clearance that are required for a motion to instruct to be in order, and it has to deal with funding. Obviously, in this motion to instruct, it says that in resolving the differences between the two Houses on the funding level for program management of the Social Security Act. So it meets that test level.

But then it goes on to say that through the funding mechanism, they