

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARGENT) having assumed the chair, Mr. COOKSEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes, pursuant to House Resolution 582, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The bill 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 bill.

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

Mr. TALENT. 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 422, nays 0, not voting 11, as follows:

[Roll No. 482]
YEAS—422

Abercrombie	Barcia	Bilbray
Ackerman	Barr	Bilirakis
Aderholt	Barrett (NE)	Bishop
Allen	Barrett (WI)	Blagojevich
Andrews	Bartlett	Bliley
Archer	Barton	Blumenauer
Armey	Bass	Blunt
Baca	Becerra	Boehler
Bachus	Bentsen	Boehner
Baird	Bereuter	Bonilla
Baker	Berkley	Bonior
Baldacci	Berman	Bono
Baldwin	Berry	Borski
Ballenger	Biggert	Boswell

Boucher	Gilchrest	Maloney (NY)
Boyd	Gillmor	Manzullo
Brady (PA)	Gilman	Markey
Brown (FL)	Gonzalez	Martinez
Brown (OH)	Goode	Mascara
Bryant	Goodlatte	Matsui
Burr	Goodling	McCarthy (MO)
Burton	Gordon	McCarthy (NY)
Buyer	Goss	McCollum
Callahan	Graham	McCrery
Calvert	Granger	McDermott
Camp	Green (TX)	McGovern
Canady	Greenwood	McHugh
Cannon	Gutierrez	McInnis
Capps	Gutknecht	McIntyre
Capuano	Hall (OH)	McKeon
Cardin	Hall (TX)	McKinney
Carson	Hansen	McNulty
Castle	Hastings (FL)	Meehan
Chabot	Hastings (WA)	Meeks (NY)
Chambliss	Hayes	Menendez
Chenoweth-Hage	Hayworth	Metcalfe
Clay	Hefley	Mica
Clayton	Herger	Millender-
Clement	Hill (IN)	McDonald
Clyburn	Hill (MT)	Miller (FL)
Coble	Hilliary	Miller, Gary
Coburn	Hilliard	Miller, George
Collins	Hinchee	Minge
Combest	Hinojosa	Mink
Condit	Hobson	Moakley
Conyers	Hoefel	Mollohan
Cook	Hoekstra	Moore
Cooksey	Holden	Moran (KS)
Costello	Holt	Moran (VA)
Cox	Hoolley	Morella
Coyne	Horn	Murtha
Cramer	Hostettler	Myrick
Crane	Houghton	Nadler
Crowley	Hoyer	Napolitano
Cubin	Hulshof	Neal
Cummings	Hunter	Ney
Cunningham	Hutchinson	Northup
Danner	Hyde	Norwood
Davis (FL)	Inslee	Nussle
Davis (IL)	Isakson	Oberstar
Davis (VA)	Istook	Obey
Deal	Jackson (IL)	Olver
DeFazio	Jackson-Lee	Ortiz
DeGette	(TX)	Ose
DeLahunt	Jefferson	Owens
DeLauro	Jenkins	Oxley
DeLay	John	Packard
DeMint	Johnson (CT)	Pallone
Deutsch	Johnson, E.B.	Pascarell
Dickey	Johnson, Sam	Pastor
Dicks	Jones (NC)	Paul
Dingell	Jones (OH)	Payne
Dixon	Kanjorski	Pease
Doggett	Kaptur	Pelosi
Dooley	Kasich	Peterson (MN)
Doolittle	Kelly	Peterson (PA)
Doyle	Kennedy	Petri
Dreier	Kildee	Phelps
Duncan	Kilpatrick	Pickering
Dunn	Kind (WI)	Pickett
Edwards	King (NY)	Pitts
Ehlers	Kingston	Pombo
Ehrlich	Kleczka	Pomeroy
Emerson	Knollenberg	Porter
Engel	Kolbe	Portman
English	Kucinich	Price (NC)
Eshoo	Kuykendall	Pryce (OH)
Etheridge	LaFalce	Quinn
Evans	LaHood	Radanovich
Everett	Lampson	Rahall
Ewing	Lantos	Ramstad
Farr	Largent	Rangel
Fattah	Larson	Regula
Filner	Latham	Reyes
Fletcher	LaTourrette	Reynolds
Foley	Leach	Riley
Forbes	Lee	Rivers
Ford	Levin	Rodriguez
Fossella	Lewis (CA)	Roemer
Fowler	Lewis (GA)	Rogan
Frank (MA)	Lewis (KY)	Rogers
Franks (NJ)	Linder	Rohrabacher
Frelinghuysen	Lipinski	Ros-Lehtinen
Frost	LoBiondo	Rothman
Galleghy	Lofgren	Roukema
Ganske	Lowey	Roybal-Allard
Gejdenson	Lucas (KY)	Royce
Gekas	Lucas (OK)	Rush
Gephardt	Luther	Ryan (WI)
Gibbons	Maloney (CT)	Ryun (KS)

Sabo	Snyder	Turner
Salmon	Souder	Udall (CO)
Sanchez	Spence	Udall (NM)
Sanders	Spratt	Upton
Sandlin	Stabenow	Velazquez
Sanford	Stark	Visclosky
Sawyer	Stearns	Vitter
Saxton	Stenholm	Walden
Scarborough	Strickland	Walsh
Schaffer	Stump	Wamp
Schakowsky	Stupak	Waters
Scott	Sununu	Watkins
Sensenbrenner	Sweeney	Watt (NC)
Serrano	Talent	Watts (OK)
Sessions	Tancredo	Waxman
Shadegg	Tanner	Weiner
Shaw	Tauscher	Weldon (FL)
Shays	Tauzin	Weldon (PA)
Sherman	Taylor (MS)	Weller
Sherwood	Taylor (NC)	Wexler
Shimkus	Terry	Weygand
Shows	Thomas	Whitfield
Shuster	Thompson (CA)	Wicker
Simpson	Thompson (MS)	Wilson
Sisisky	Thornberry	Wolf
Skeen	Thune	Woolsey
Skelton	Thurman	Wu
Slaughter	Tiahrt	Wynn
Smith (MI)	Tierney	Young (AK)
Smith (NJ)	Toomey	Young (FL)
Smith (TX)	Towns	
Smith (WA)	Traficant	

NOT VOTING—11

Brady (TX)	Klink	Nethercutt
Campbell	Lazio	Vento
Diaz-Balart	McIntosh	Wise
Green (WI)	Meek (FL)	

□ 1156

Mr. METCALF changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 482, had I been present, I would have voted “yea.”

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 482, had I been present, I would have voted “yea.”

CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking Democratic member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1200

Mr. HASTINGS of Washington. Mr. Speaker, H.Res. 581 is a closed rule waiving all points of order against the consideration of H.R. 3986, a bill providing for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Station at Prosser Diversion Dam in the State of Washington. The resolution provides for 1 hour of general debate in the House to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule further provides that the Committee on Resources amendment in the nature of a substitute now printed in the bill shall be considered as adopted. Finally, the rule waives all points of order against the committee amendment in the nature of a substitute and provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3986 passed the Committee on Resources unanimously by voice vote on September 13. It was originally considered by the House yesterday under suspension of the rules. We are bringing this bill before the House again today because, although the bill was supported by a majority of the House Members, it did not receive the two-thirds support necessary for passage under suspension of the rules for reasons completely unrelated to the substance of the bill.

We were told during debate on H.R. 3986 yesterday that Members who opposed the bill did so in order to express their frustration that more Democrat bills have not been considered by the House under suspension of the rules. On the surface, Mr. Speaker, that sounds like a compelling argument and a legitimate cause for concern. After all, Members in this body have every right to expect that they will be treated fairly regardless of which party is in the majority.

The problem with the Democrat leaders' complaint, however, is that it is completely groundless. When Members examine the record of bills considered under suspension of the rules, here is what they will find: in 1993 and 1994, the last Congress controlled by the Democrats, we Republicans were given 11.8 percent of all bills on the suspen-

sion calendar. In contrast, during this Congress, we have given the Democrats 23.5 percent of the bills under suspension, which is fully twice as many. Mr. Speaker, I guess they are right. On this issue, we have not been fair. Actually we have been more than fair.

Although we should not have to take up the House's time on this bill for the second day in a row, the partisan tactics of the leadership on the other side of the aisle has left us with no choice but to bring this bill back once again. The resolution before Members provides for a closed rule on H.R. 3986 only because we have taken more than enough of the Members' and the House's time on this measure and because Members on the other side of the aisle have indicated in the press that they would have supported this bill on its merits without any amendments had they not decided to make an example of us during yesterday's exercise in partisan finger pointing.

To summarize, Mr. Speaker, H.R. 3986 is a straightforward and noncontroversial bill. It provides funding for studies that we believe will ultimately serve the goal of saving salmon while protecting water rights, two important goals shared by people throughout the Pacific Northwest. That is why H.R. 3986 is supported by environmental groups as well as irrigators, Indian tribes and by local governments. Simply put, this is a common sense measure that has gotten caught up in the end-of-the-session partisan bickering here in the House that is of absolutely no interest to the citizens or the salmon living in my district. Frankly, both deserve better.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule on this bill and H.R. 3986 when it is considered on the floor of the House, hopefully for the last time, in just a few minutes.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this noncontroversial bill by the gentleman from Washington (Mr. HASTINGS) that will simply authorize the Secretary of the Interior to study the engineering feasibility of exchanging water from the Columbia River instead of the Yakima River to provide electricity to the Chandler Pumping Plant and Power Plant. Normally, noncontroversial bills like this come up under suspension, Mr. Speaker; but normally bills by both Democrats and Republicans come up, also. But for some reason Democratic bills are not coming to the floor like they used to. Democratic bills are not even being scheduled for hearings like they used to.

So this bill by my dear friend from Washington is a perfectly good bill; it has been sent to the floor under a rule as part of a protest of a larger policy of discrimination against Democratic bills. We have no controversy with the bill.

I sincerely hope we can resolve this issue and get a fair number of Democratic resources bills to the floor under suspension. I urge my colleagues to support my very dear friend's bill. I hope they support the rule and support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I would just reiterate again what I said in my opening remarks. The last time that my friend's party controlled the House, they had provided the Republicans with half as many bills under suspension as we have this year.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SIMPSON. Mr. Speaker, pursuant to House Resolution 581, I call up the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 581, the bill is considered read for amendment.

The text of H.R. 3986 is as follows:

H.R. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.

Section 1208 of Public Law 103-434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "OR WATER EXCHANGE" after "ELECTRIFICATION";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking "In order to" and inserting the following:

"(1) ELECTRIFICATION.—In order to"; and

(D) by adding at the end the following:

"(2) WATER EXCHANGE ALTERNATIVE.—

"(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1), the Secretary may use sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and the Columbia Irrigation District—

“(i) shall prepare a report that describes project benefits, contains feasibility level designs and cost estimates;

“(ii) may obtain critical rights-of-way;

“(iii) shall prepare an environmental assessment; and

“(iv) shall conduct such other studies or investigations as are necessary to develop a water exchange.”;

(2) in subsection (b)(1), by inserting “or water exchange” after “electrification”; and

(3) in subsection (d), by striking “electrification,” each place it appears and inserting “electrification or water exchange”.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 3986, as amended, is as follows:

H.R. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.

Section 1208 of Public Law 103-434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “OR WATER EXCHANGE” after “ELECTRIFICATION”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking “In order to” and inserting the following:

“(1) ELECTRIFICATION.—In order to”; and

(D) by adding at the end the following:

“(2) WATER EXCHANGE ALTERNATIVE.—

“(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than \$4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—

“(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;

“(ii) secure the critical right-of-way areas for the pipeline alignment;

“(iii) prepare an environmental assessment; and

“(iv) conduct such other studies or investigations as are necessary to develop a water exchange.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or water exchange” after “electrification”; and

(B) in the second sentence of paragraph (2)(A), by inserting “or the equivalent of the rate” before the period;

(3) in subsection (d), by striking “electrification,” each place it appears and inserting “electrification or water exchange”; and

(4) in subsection (d), by striking “of the two” and inserting “thereof”.

The SPEAKER pro tempore. The gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. DOOLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

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

House Resolution 3986 authorizes the study of the feasibility of exchanging water diverted from the Yakima River for use by two irrigation districts for water from the Columbia River. The study would be conducted as part of the Yakima River Basin Water Enhancement Project. The legislation will promote salmon recovery in the Yakima River without reducing the amount of water available to irrigators.

Mr. Speaker, one of the most contentious and divisive issues in the Pacific Northwest is that of salmon recovery. The desire to restore salmon runs is one that is universally shared in the Pacific Northwest. It is vital to the historical culture of the region. The difficulty that arises is one of how best to go about salmon recovery, taking into consideration the species, the environment, local and regional economics and so forth.

There are some that have been pushing for the immediate extreme measure of removing the four lower Snake River dams on the Snake River while others, myself included, believe we should take some common sense steps toward salmon recovery before we consider the extreme measure of removing dams. H.R. 3986 is one of those steps. In itself, it will not recover salmon. But the study that it authorizes may be one of the pieces of the salmon-recovery puzzle.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. HASTINGS) be allowed to control the time for the majority.

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

There was no objection.

Mr. DOOLEY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3986 would simply authorize a study of a new water pumping plant at the Prosser Diversion Dam in the State of Washington. According to the sponsors of the legislation, the gentleman from Washington (Mr. HASTINGS) and Senator GORTON, the study would determine if diverting water for irrigation from the larger Columbia River instead of the Yakima River would help save the endangered fish in the area.

There is no objection to the enactment of H.R. 3986.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3986, and I want to thank the gentleman from Idaho (Mr. SIMPSON) for yielding the time to me.

Mr. Speaker, the preservation of salmon in the Pacific Northwest is one

of my top priorities in Congress. I am convinced that we can save this national treasure while also preserving the jobs and quality of life in the Pacific Northwest. My legislation is just one example of the benefits that can be obtained for salmon by interested parties working together on the local level.

Yesterday, this legislation received a majority of the House of Representatives under suspension but failed to garner the necessary two-thirds necessary for passage. It is my understanding, as the gentleman from California (Mr. DOOLEY) said, they have no objections to this legislation that went through the committee process and that was reported out by unanimous vote. However, yesterday the minority party chose to play politics over salmon recovery, and so we are returning here today to ask my colleagues for their continued support of this legislation.

I was pleased, however, to receive support from three of my Democrat Members from Washington State, Mr. DICKS, Mr. INSLEE and Mr. BAIRD, on the vote yesterday. They chose by their vote to choose salmon over politics. I appreciate their commitment to saving salmon in the Pacific Northwest.

Very simply, this legislation authorizes a study of the feasibility of exchanging water diverted from the Yakima River for use by the Kennewick and Columbia Irrigation Districts for water from the Columbia River. The study would be conducted as part of the Bureau of Reclamation's Yakima River Basin Water Enhancement Project, a series of projects authorized by Congress to improve water quality and quantity in the Yakima River. These two systems currently take their water from the lower Yakima River where flows have already been decreased because of upstream diversions. By taking water from a much larger volume of the Columbia River, the impact on threatened and endangered species would be significantly reduced.

Specifically, this project provides the opportunity to increase Yakima River flows at the Prosser Dam during critical low-flow periods by up as many as 750 cubic feet per second. This approach will provide over twice as much flow augmentation as the previously approved electrification project and would completely eliminate the Yakima River diversion for the Kennewick Irrigation District. The new pump station and pressure pipeline from the Columbia River will be the cornerstone of a more salmon-friendly Kennewick Irrigation District.

This project is a winner for both fish and for water users. It balances the need to improve habitat for threatened species while protecting water rights. Preliminary results from the lower

reach habitat study indicate that these increased flows would greatly help salmon and bull trout. In addition, this proposal would provide substantial water quality improvements to the Yakima River.

It is important to note that a change in the diversion for the Kennewick Irrigation District from the Yakima River to the Columbia River will completely change the current operational philosophy of the district. It will evolve from a relatively simple gravity system to one of significant complexity involving a major pump station and a pressure pipeline to the major feeder canals. This remodeling will have a significant impact on the existing systems and its users during construction, start-up and transition. That is why it is essential for the Kennewick Irrigation District to be in a position to develop these facilities in the way that best fits its current and future operational goals and causes the least disruption to the district water users. That is why this legislation requires the Bureau of Reclamation to give the Kennewick Irrigation District substantial control over the planning and design work in this study with the bureau, of course, having final approval. It is an approach that will continue local improvement and support which is vital to the success of this project and other projects.

This legislation is noncontroversial, which is somewhat unique when you are talking about water issues within the Pacific Northwest. It is supported by a large coalition of Federal, State and local agencies and stakeholders. Amongst those are the National Marine Fisheries, the U.S. Fish and Wildlife, the Yakima Nation, the Washington State Department of Ecology, the Northwest Power Planning Council, the Washington State Water Resources Association, American Rivers, and the Yakima Basin Board of Irrigators.

I do want to say, too, Mr. Speaker, that this legislation highlights the ingenuity of local stakeholders coming together for a common purpose of saving salmon and preserving our way of life. I am pleased to report to the House that the effort before the committee today is one of many in my district. There are many that are going on in my district to further this goal. Specifically, I would like to mention my support for the efforts of the Columbia-Snake River irrigators who have outlined a water management alternative that will revitalize the salmon recovery efforts by optimizing fish production and the effective use of this region's financial resources.

□ 1215

Their plan accomplishes this by protecting tribal treaty rights and ensuring their long-term stability. Finally, the plan recognizes the importance of State and privately held water rights

to the economy of the Pacific Northwest.

Another example of the local initiative for salmon recovery is the effort currently being undertaken by the Confederated Tribes of the Coleville Reservation and the Okanogan County Irrigation District up in the northern part of my district. These groups have taken a proactive approach to salmon recovery by conducting a joint study of water management efforts along the Salmon Creek and Okanogan County. Their joint efforts will result in the improvement of the fish passage and the habitat ensuring the preservation of salmon while protecting farmers and irrigators of their water rights.

I would say, Mr. Speaker, this legislation symbolizes what can be done and what is being done in my district and in the Northwest to try to ensure salmon recovery by recognizing and respecting local people making decisions on a local level.

I am pleased that this bill is in front of us again today. I regret that it got caught up in a bit of bipartisanship yesterday, but I would urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 581, the previous question is ordered on the bill, as amended.

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

The bill 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 bill.

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

Mr. DOOLEY of California. 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 418, nays 1, not voting 14, as follows:

[Roll No. 483]

YEAS—418

Abercrombie	Bartlett	Boehner	Greenwood	McInnis
Ackerman	Barton	Bonilla	Gutierrez	McIntyre
Aderholt	Bass	Boniior	Gutknecht	McKeon
Allen	Beceerra	Bono	Hall (OH)	McKinney
Andrews	Bentsen	Borski	Hall (TX)	McNulty
Archer	Bereuter	Boswell	Hansen	Meehan
Armey	Berkley	Boucher	Hastings (FL)	Meek (FL)
Baca	Berman	Boyd	Hastings (WA)	Meeks (NY)
Bachus	Berry	Brady (PA)	Hayes	Menendez
Baird	Biggert	Brady (TX)	Hayworth	Metcalf
Baker	Bilbray	Brown (FL)	Hefley	Mica
Baldacci	Bilirakis	Brown (OH)	Hergert	Millender-
Baldwin	Bishop	Bryant	Hill (IN)	McDonald
Ballenger	Blagojevich	Burr	Hill (MT)	Miller (FL)
Barcia	Bliley	Burton	Hillery	Miller, Gary
Barr	Blumenauer	Buyer	Hilliard	Miller, George
Barrett (NE)	Blunt	Callahan	Hinchev	Minge
Barrett (WI)	Boehlert	Calvert	Hinojosa	Mink
			Hobson	Moakley
			Hoeffel	Mollohan
			Hoekstra	Moore
			Holden	Moran (KS)
			Holt	Moran (VA)
			Hoolley	Morella
			Horn	Murtha
			Hostettler	Myrick
			Houghton	Nadler
			Hoyer	Napolitano
			Hulshof	Neal
			Hunter	Ney
			Hyde	Northup
			Inslee	Nussle
			Isakson	Oberstar
			Istook	Obey
			Jackson (IL)	Olver
			Jackson-Lee	Ortiz
			(TX)	Ose
			Jefferson	Owens
			Jenkins	Oxley
			John	Packard
			Johnson (CT)	Pallone
			Johnson, E.B.	Pascarell
			Johnson, Sam	Pastor
			Jones (NC)	Payne
			Jones (OH)	Pease
			Kanjorski	Pelosi
			Kaptur	Peterson (MN)
			Kasich	Peterson (PA)
			Kelly	Petri
			Kennedy	Phelps
			Kildee	Pickering
			Kilpatrick	Pickett
			Kind (WI)	Pitts
			King (NY)	Pombo
			Kingston	Pomeroy
			Klecza	Porter
			Knollenberg	Portman
			Kolbe	Price (NC)
			Kucinich	Pryce (OH)
			Kuykendall	Quinn
			LaFalce	Radanovich
			LaHood	Rahall
			Lampson	Ramstad
			Lantos	Rangel
			Largent	Regula
			Larson	Reyes
			Latham	Reynolds
			LaTourette	Riley
			Leach	Rivers
			Lee	Rodriguez
			Levin	Roemer
			Lewis (CA)	Rogan
			Lewis (GA)	Rogers
			Lewis (KY)	Rohrabacher
			Linder	Ros-Lehtinen
			Lipinski	Rothman
			LoBiondo	Roukema
			Logfren	Royal-Allard
			Lowey	Royce
			Lucas (KY)	Rush
			Lucas (OK)	Ryan (WI)
			Luther	Ryun (KS)
			Maloney (CT)	Sabo
			Maloney (NY)	Salmon
			Manzullo	Sanchez
			Markey	Sanders
			Martinez	Sandlin
			Mascara	Sanford
			Matsui	Sawyer
			McCarthy (MO)	Saxton
			McCarthy (NY)	Scarborough
			McCollum	Schaffer
			McCrery	Schakowsky
			McDermott	Scott
			McGovern	Sensenbrenner
			McHugh	Serrano

Sessions	Stump	Upton
Shadegg	Stupak	Velazquez
Shaw	Sununu	Visclosky
Shays	Sweeney	Vitter
Sherman	Talent	Walden
Sherwood	Tancredo	Walsh
Shimkus	Tanner	Wamp
Shows	Tauscher	Waters
Shuster	Tauzin	Watkins
Simpson	Taylor (MS)	Watt (NC)
Sisisky	Taylor (NC)	Watts (OK)
Skeen	Terry	Waxman
Skelton	Thomas	Weiner
Slaughter	Thompson (CA)	Weldon (FL)
Smith (MI)	Thompson (MS)	Weldon (PA)
Smith (NJ)	Thornberry	Weller
Smith (TX)	Thune	Wexler
Smith (WA)	Thurman	Weygand
Snyder	Tiahrt	Whitfield
Souder	Tierney	Wicker
Spence	Toomey	Wolf
Stabenow	Towns	Woolsey
Stark	Trafficant	Wu
Stearns	Turner	Wynn
Stenholm	Udall (CO)	Young (AK)
Strickland	Udall (NM)	Young (FL)

NAYS—1

Paul

NOT VOTING—14

Campbell	Klink	Spratt
Clay	Lazio	Vento
Coburn	McIntosh	Wilson
Gephardt	Nethercutt	Wise
Hutchinson	Norwood	

□ 1239

Mr. MARKEY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees, pursuant to clause 7(c) of House rule XXII.

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

The Clerk read as follows:

Mr. OBEY 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 the highest funding level possible for the Department of Education; and to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the title VI Education Block Grant with limited accountability in the use of funds.

PARLIAMENTARY INQUIRY

Mr. PORTER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois will state his parliamentary inquiry.

Mr. PORTER. Mr. Speaker, under the House rules, is it permissible to divide a motion to instruct? Because we would agree with part of this, that is the funding level for education, but the

rest of it we do not agree with. Is it possible to divide a motion of this type?

The SPEAKER pro tempore. Would the gentleman from Illinois specify how he would like the question divided?

Mr. PORTER. Mr. Speaker, I would suggest that it be divided after the line 4, the word "education, semicolon," and so that we would consider the highest funding level possible in one segment and then there would be a separate motion for the rest of it.

The SPEAKER pro tempore. The Chair would advise the gentleman that as a 20-day motion under clause 7(c) of rule XXII, the motion is grammatically and substantively divisible under the precedents and that at the end of the debate the Chair will put the question on the divisible portions.

Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Illinois (Mr. PORTER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we are here on this motion today in large part because yesterday a motion to instruct conferees on this bill was made on that side of the aisle and I indicated that if we were going to get into the business of instructing conferees then we would have a significant number of motions on our own on this side.

□ 1245

I do not particularly enjoy this process, but I do not think we can sit by while the guns are being fired by only one side on an issue as important as education, for instance.

I am also disappointed, frankly, because I understood that the gentleman from Pennsylvania (Mr. GOODLING), our good friend, was going to offer a motion which would have instructed the House to support the idea of making major appropriations to Title VI for the purpose of providing funding to local school districts, which they could use with great flexibility. Let me state, if that motion had been offered, I would have voted for it.

My position on this, and I think the vast majority of people on this side of the aisle feel the same way, is that we are for all of the money that we can get into education and get back to local school districts. We think that is the number one priority facing the country. However, we believe that there ought to be accountability in the way that money is used, and we believe that whatever funds are provided from such a block grant, for instance, should be provided in addition to the funds that are provided to meet national priority needs, not as a substitute for funds which are provided for those priority needs.

There is a second reason that we are here, because I think we need to clarify what it is that both parties are trying to do in the conference on the Labor, Health and Education appropriation bill. To explain that, I need to put it in context.

Mr. Speaker, 5 years ago, the majority party, when they took over control of this House, produced a budget which, among other things, tried to cut the Education budget 20 percent below the budget of the previous year; they tried to eliminate the Department of Education, and they felt so strongly about it that they were willing to see the government shut down in order to force their budget priorities on the President. They did not exactly win that argument, and they certainly did not win the political argument associated with it. So they slowly but surely have backed off that proposition, but they continue at every opportunity to show their basic antagonism toward initiatives made by the President to strengthen education.

The latest evidence of that is the fact that in the bill which moved out of the House, they made very large cuts in the President's education budget. They cut some \$400 million out of after-school funding that the President had proposed. They cut \$1.3 billion out of school modernization, they cut \$1.7 billion out of the President's class size initiative, and instead tried to fold that money into a block grant arrangement under which a major ability to achieve accountability is lost. That is one of the places where we part company.

The majority now, in conference, has chosen to add about \$5.5 billion of their priorities back into the Labor, Health, Education bill, but so far, there appears to be no room in the inn for our priorities or the President's priorities.

I want to make it clear. We do not believe that providing flexible funding to school districts is automatically opposed to the idea of providing specific funding for specific purposes to local districts. We think we ought to do both; and, in fact, we have provided that we do both, by supporting significant funding for Title VI. But we want to make it clear. We are for the President's efforts to provide \$1.7 billion for his class-size reduction program. We are for the President's efforts to provide \$1.3 billion in assistance to local school districts to renovate ancient, outmoded and dangerous buildings. I just had one closed in my district last week by the State Department of Public Construction, for instance; and we are for some other things.

The majority party has increased funding for special education by a significant amount, and yet the bill does not fully reflect the amount for special education that this House indicated it wanted to see when on May 3, it passed the authorization. So we believe that