ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.J. RES. 114, AUTHORIZING USE OF MILITARY FORCE AGAINST IRAQ

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

Mr. DREIER. Mr. Speaker, I rise to inform our colleagues that today we will be sending a Dear Colleague letter informing Members that the Committee on Rules is planning to meet on Monday, October 7, to grant a rule which may limit the amendment process for H.J. Res. 114, authorization for the use of military force against Iraq.

Any Member who wishes to offer an amendment to this joint resolution should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5 p.m. this Friday, October 4, to the Committee on Rules in room H–312.

Amendments should be drafted to the text of the joint resolution as reported by the Committee on International Relations, which is expected to file probably tomorrow. The text will be available on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PRIVILEGES OF THE HOUSE—MAKING CHAPTER 12 FAMILY FARMER BANKRUPTCY PROTECTIONS PERMANENT

Mr. HOLDEN. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed pursuant to rule IX, and ask for its immediate consideration.

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

The Clerk read as follows:

A resolution in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and its Constitutional duty hampered by the inability of the House to bring to the floor, a clean bill permanently extending Chapter 12 of title 11 of the U.S. Code which provides bankruptcy protections to family farmers.

Whereas, Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years lead to the loss of the family farm; and

Whereas, in the absence of Chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as Chapter 12; and

Whereas, since its creation, the Chapter 12 family farmer bankruptcy protection has been renewed regularly by Congress and has never been controversial; and

Whereas in 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent; and

Whereas in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that permanently extends Chapter 12. And, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act is a controversial bill whose enactment is an uncertainty; and

Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issues; and

Whereas right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporarily extensions to not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call up for consideration by this body, H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I raise a point of order that the resolution is not privileged under the rules of the House and ask to be heard on the point of order.

The SPEAKER pro tempore. The gentleman may present his point of order.

Mr. SENSENBRENNER. Mr. Speaker, over the years, both Republican and Democratic Speakers have ruled that questions of privilege may not be used to criticize the legislative process, such as charges of inactivity in regard to a subject reported from committee. This precedent dates back to at least 1974 and has been renewed by Speakers of the House ever since.

The question of privilege that the gentleman from Pennsylvania (Mr. HOLDEN) raises relates to scheduling of legislation. Just yesterday, the House passed a bill on the subject of family farmer bankruptcy protection, which the gentleman from Pennsylvania supported; and I thank him for that support. But this resolution is definitely not a question of privilege. The issue has been raised with the first alleged resolution of privilege that came up. The question is identical to that on which the Speaker has already ruled and on which the House has tabled an appeal.

I would urge the Speaker to sustain the point of order.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Pennsylvania on the point of order as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. HOLDEN. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are ''those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.''

The rights, reputation, and conduct of this Member are negatively affected when the House cannot move legislation that the American people and the vast majority of the Members of this House overwhelmingly support. Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years result in the loss of the family farm.

Mr. Speaker, in 1997, the National Bankruptcy Review Commission recommended that chapter 12 be made permanent. Six times since that recommendation was made, Congress has ignored the advice of the National Bankruptcy Commission and has extended chapter 12 on a temporary basis rather than a permanent basis. I will admit that a permanent extension of chapter 12 has been included in the larger bankruptcy reform bill, but that bill is saddled with great controversy; and despite our efforts to pass it several times in the past 5 years, we still have not had success.

Mr. Speaker, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. Right now, family farmers in my congressional district and in other congressional districts are making plans to borrow money based on next year's expected harvest. As these farmers leverage themselves, they need to have the assurance that chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporary extensions do not do the job. Immediate consideration of H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, will give family farmers the permanent chapter 12 bankruptcy protection they have been patiently waiting for for 5 years.

Mr. Speaker, let me finish by saying I represent over 600,000 constituents, many of whom are family farmers. My rights and those of my constituents are being denied when urgent legislation that has the majority support is blocked from consideration simply because the leadership of this House will not schedule a vote for this bill. As a result, I believe this resolution meets the test of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair ruled earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Pennsylvania does not constitute a question of the privileges of the House under rule IX and the point of order raised by the gentleman from Wisconsin is sustained.

□ 1615

The Chair would further add that the Chair understands the gentleman from Pennsylvania (Mr. HOLDEN) purported to invoke a question of privileges of the House as opposed to a point of personal privilege.

Mr. HOLDEN. Mr. Speaker, I am appealing the ruling of the Chair and ask to be heard on the appeal.

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

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

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

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

Mr. HOLDEN. 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 214, nays 202, not voting 15, as follows:

[Roll No. 435]

YEAS—214

Aderholt
Akin
Armey
Bachus
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
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
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
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
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)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
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—202

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
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
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Abercrombie
Baker
Deal
Ehrlich
Hastings (FL)
Hilleary
Hunter
Lampson
Mascara
McKinney
Pitts
Roukema
Sabo
Stump
Tanner

□ 1635

Messrs. DEFAZIO, HALL of Texas, and GEORGE MILLER of California changed their vote from ''yea'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON FISCAL YEAR 2003 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, AND SHOULD ADEQUATELY FUND THE ''LEAVE NO CHILD BEHIND ACT''

Mr. OBEY. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed on Monday, and ask for its immediate consideration.

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

The Clerk read as follows:

Whereas, Article I, Section IX, of the Constitution states that no money shall be drawn from the Treasury, but in consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually, by October 1st of each year, the funds needed to support the execution of programs and operations of the Federal government.

Whereas the House to date has only considered five Appropriations bills, and has failed to consider the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act which would provide funding for critical areas of national policy including pre-school, elementary and secondary education, special education, higher education and student loans.

Whereas as President, George W. Bush supported and signed into law Public Law 107–110, the ''Leave No Child Behind Act,'' which imposes substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United states.

Whereas the ''Leave No Child Behind Act'' included the authorization of significant additional resources to assist the states and local education agencies to provide the mandated improved educational services to America's schoolchildren.

Whereas within weeks of signing the ''Leave No Child Behind'' Act, the President submitted the FY 2003 budget provides an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to enactment of the new law.

Whereas President Bush's FY 2003 education budget request fails to provide the promised level of funding to states and local