Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
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McKeon
McKinney
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Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Spratt
Stark
Stearns
Stenholm
Sullivan
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
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Tierney
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
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Wolf
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Wynn
Young (AK)
Young (FL)

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Baldwin
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Brady (PA)
Costello
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Gillmor
Green (TX)
Hart
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Hefley
Hilliard
Hinchey
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
Moore
Oberstar
Olver
Peterson (MN)
Sabo
Schaffer
Slaughter
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
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Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—47

Ackerman
Barr
Barrett
Bereuter
Berman
Bonilla
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Capuano
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Myrick
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Rahall
Ramstad
Roukema
Ryan (WI)
Serrano
Snyder
Souder
Stump
Sununu
Towns
Velazquez
Watson (CA)

□ 1045

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on September 12, 2002, official business in Washington, D.C., caused this Member to unavoidably miss two rollcall votes. On rollcall No. 385 (motion to go to conference on H.R. 1646, the State Department Authorization bill), this Member would have voted ''yea.'' On rollcall No. 386 (approving the Journal), this Member would have voted ''yea.''

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, on September 11 I was in my district taking part in September 11 ceremonies and remembrances and I missed rollcall vote number 384. Had I been present, I would have voted an emphatic ''yea'' on this vote expressing the sense of Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

APPOINTMENT OF CONFEREES ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore (Mr. TERRY). Without objection, the Chair appoints the following conferees:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of New Jersey, LANTOS and BERMAN and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5193, BACK TO SCHOOL TAX RELIEF ACT of 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

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. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means 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: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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.

Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 521 is a standard closed rule providing for the consideration of H.R. 5193, the Back to School Tax Relief Act of 2002. The rule waives all points of order against consideration of the bill and provides one motion to recommit, with or without instructions.

Mr. Speaker, one of the great successes of this Congress and this administration was the enactment of the No Child Left Behind Act, legislation to extend and amend the Elementary and Secondary Education Act.

Containing some of the most sweeping education reforms in decades, the act incorporates four key principles: Stronger accountability to ensure results; increased flexibility and local control that sends dollars and decisions directly to the classroom; expanded options for parents; and an emphasis on teaching methods that have been proven to work. It is one of these principles, expanded options for parents, that brings us here today.

The Back to School Tax Relief Act of 2002 will give parents the opportunity to take advantage of the Tax Code and take control over financing their child's education. According to the National Center for Education Statistics, student enrollment at public and private elementary and secondary schools peaked to a record level of 53.2 million in the fall of 2000, a 14 percent increase since 1990. In my home State of New York, enrollment in grades K through 12 increased more than 4 percent from 1994 to 2000, and in many parts of the country, enrollments are expected to continue increasing through at least 2005.

As more and more students hit the books, more and more parents are straining the family finances trying to make ends meet as they put their kids through school. Under present law, above-the-line deductions are allowed for qualified tuition and related expenses for higher education only. The legislation before us today simply extends that deduction of up to $3,000 to qualified elementary and secondary education expenses paid in connection with eligible K through 12 students. This includes expenses at public, private, religious or home schools.

Not every school district is the same nor is every family. By incorporating this tax deduction we can provide parents the flexibility to tailor their education expenses to best suit the needs of their families and their children.

Quality education should be available and affordable to all parents.

Mr. Speaker, I commend my colleagues on the Committee on Ways and Means, especially the gentleman from California (Chairman THOMAS), for advancing this legislation through committee and bringing it to the House floor. With our children now back in school, there is no better time for this body to consider and pass legislation that will help families offset the cost of education.

Mr. Speaker, I strongly urge my colleagues to support this rule and the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from New York for yielding me the customary 30 minutes.

Mr. Speaker, anyone who plays popular sheet music knows that at the beginning of a piece there is always a place called ''vamp until ready'' where the pianist literally kills time until we are ready for the main act when the singer comes on. I think this bill comes into the category of vamp until ready.

Obviously, we all understand, those of us who serve in Congress and all of the wonderful staff here, that we need the appropriations bills on the floor of the House to be passed by October 1 to keep the government running. I am beginning to think we are not going to do that this year and expect we will probably come up with a giant continuing resolution.

But this is certainly a vamp until ready bill, and I certainly rise in opposition to it, because, in addition to everything else, it has a closed rule. The underlying bill is part of a continuing wave of election year gimmicks that the majority knows will never be signed into law.

At a time when the body is woefully behind in the most basic task of passing bills funding the Nation's priorities, we should be using our time more constructively; but, instead, we are considering a resolution that shuts out consideration of a meaningful bipartisan substitute that would improve school facilities across the country.

It does not have to be this way, Mr. Speaker. Surely expanding educational opportunities for our children would be an issue where this Congress could set aside its differences and work together. Education remains at the top of everyone's priority list, for rich and poor, Democrat and Republican, and any other category of persons. Instead, we have before us today a purely partisan bill, a bill that the minority leadership on the Committee on Ways and Means dubbed an embarrassment, and not a single member of the majority of the Committee on Ways and Means defended the substance of this bill when the gentleman from New York (Mr. RANGEL) and others raised concerns about its uncertain and likely overly broad definition of eligible expenses.

This measure will not improve the education of a single child, because it is designed to make a political point and not to become law. The problems with the bill are numerous.

First, the legislation is the first step towards shifting funds away from public schools and into private and religious schools. This comes at a time when States are reeling from lost revenue and being forced to cut everything from teachers' salaries to laying off firefighters and policemen. We do not need to utilize the limited time of this body before adjournment debating another scheme to get the Federal Government to pay for private school tuition.

Ninety percent of our children are in public schools, and those schools need our help drastically, now more than ever. I would also note that the $20,000 limit for singles and $40,000 limit for couples will not be enough to take advantage of the tax deduction, which is not refundable. Therefore, we are giving them absolutely nothing.

Several months ago you recall we passed the No Child Left Behind Act that reauthorized the elementary and secondary education programs, and the congressional leadership and the President pointed with pride to the enhanced levels of education spending that were authorized in the legislation, and it was a fine bipartisan bill. But now the administration and leadership have allocated funds for that program for the next fiscal year, and they are $7 billion short. In other words, Mr. Speaker, many children will be left behind. And while they are supporting this bill, which is estimated to cost $5 billion, it seems to me that it would have been much better to have put this money into leaving no child behind. The substitute that the Democrats were attempting to offer would go a long way toward addressing the reversal.

Mr. Speaker, we cannot expect our children to learn and our teachers to teach unless they are provided with safe and modern school buildings. Forcing students to go to school in trailers or dilapidated school buildings is a clear message to them that they do not matter, and surely we can do better.

Currently our public school system has extraordinary unmet needs for funds to construct and modernize our schools. The new estimates based on data collected by the State departments of education indicate that more than $300 billion will be needed to repair or replace existing public school facilities. That $300 billion cannot be met without significant commitment of funds from all levels of government, including the Federal Government.

The substitute we had hoped to have made in order would provide a meaningful down payment for school construction and modernization. In my home State of New York, it would have meant an infusion of close to $2.5 billion, incredibly needed money for school construction and rehabilitation.

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

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

Mr. Speaker, listening to my colleague's remarks, I just must say in our research of the bill that 90 percent of the families that would benefit have children in public schools, and $3 out of every $4 of the tax benefits would be spent on public school education.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

□ 1100

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and of the underlying legislation.

We marked the tragic first anniversary of September 11 yesterday; and I think, as we focus on our priorities, clearly national security, winning the war on terrorism, dealing with the threats that exist from tyrants around the world is our number one priority.

But it is important to note the very key distinction that exists between those evil-doers, as the President calls them, and those here in the United States. It is clear that before September 11 of last year, education was our top priority. It was the issue that both Al Gore and George Bush agreed on in the election; not exactly how to do it, but they all agreed.

As my friend, the gentleman from Rochester, New York (Mr. REYNOLDS), has just said so well, Democrats and Republicans, rich and poor, all agree that it is very important for us to focus on the importance of education. That is why this House, in a bipartisan way, did pass the No Child Left Behind Act. It saw broad bipartisan support, and President Bush was able to sign it.

In the tax measure, we were able to focus attention on that very important group of Americans who have to deal with the challenge of paying for higher education. So what is it that we did? We were able to provide tax incentives for people to deal with the horrendous costs that exist today for higher education. So now we have moved ahead with legislation to deal with those at the lower end of the economic spectrum, those who are trying to focus on the very important primary and secondary education challenges that we have.

Now, it has been labeled ''nothing but politics,'' and it cannot be signed into law. I will tell the Members, we can look at a wide range of legislation that began in this House with Members saying it would not become public law that in fact did become public law, I think all the way back to welfare reform measures in the middle part of the last decade.

I look at this tax measure that dealt with the issue of providing incentives for people to move with higher education costs. That measure, as Members will recall, we tried to move it. People said it would never be signed into law; but, in fact, as we repeatedly have proceeded with measures from this House, we have been able to see them become public law.

Similarly, this Republican majority is saying to those who are at the lower end of the economic spectrum, we want to make sure that they can get into that first rung of the ladder. We know that $3,000 would go a long way towards dealing with the challenge of making sure that books are available; and tuition, any tuition costs for those on the private side, although, as my friend, the gentleman from New York, has just said, 90 percent of those benefiting from this are in public schools; dealing with the issue of transportation; dealing with computer technology.

These are the kinds of costs that families face today, and we believe that single parents earning less than $20,000, married couples with incomes of $40,000 or less, they should be able to specifically benefit from this package. It is a program that is focused on ensuring that those who are not in the upper income brackets have an equal opportunity to get the best quality education possible.

That is why this is a very good piece of legislation. I commend my colleagues on the Committee on Ways and Means for proceeding with this. I believe that it is specifically geared towards that. That is why we should keep it on that issue, so we should vote against a motion to recommit that my colleagues want to move on the other side of the aisle, want to move on that, which does not even relate to this issue of providing incentives for those who are seeking opportunities to improve their education.

Mr. Speaker, I encourage an ''aye'' vote for this rule and an ''aye'' vote for the very important underlying legislation, and opposition to any measure which would jeopardize the potential success of it.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MATSUI), a valued member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me the 4 minutes.

Mr. Speaker, I have to say that there are so many reasons why we should vote ''no'' on this rule that it is really hard in the period of 4 minutes to really compress it, but I am going to do the very best I can.

First of all, this will cost $5 billion over the next 3 years. The reason it is only for the next 3 years is because it expires at the end of 3 years. As we know, we have not got any of the appropriations bills to the President's desk, even though the fiscal year will end in about 3 weeks.

The reason for it is because, rightfully, the appropriators are having a very difficult time trying to come up with bills that would stay within at least some reasonable budget confines. That is because the tax bill that was passed last year, which incidentally was about $1.4 trillion, and 40 percent of it goes to the top 1 percent of the taxpayers, which basically makes about $1.1 billion a year on their tax returns; but the fact of the matter is that here we are now passing a bill that will cost $5 billion over the next 3 years, and we cannot move appropriation bills. That is somewhat odd, obviously.

But more importantly, this $5 billion will invade the Social Security trust fund. As we are getting close to the election on November 5, I think the American public is entitled to know who really cares about Social Security, making it ensured as a defined benefit plan. Obviously, by passing this bill, we are going to make that much more difficult. Senior citizens of America and those people who are concerned about being disabled or, obviously, survivors' benefits, should be very concerned about what we are doing on this particular piece of legislation.

But most importantly, this is bad legislation. No one gave it a lot of thought. We did not have a hearing on it. What is interesting is that one can get up to $3,000 a year on a tax credit, tax deduction, if one is an elementary or grammar school parent; so they go out and buy a flat screen television and say, we use this for our children's education, because we can put it up to a computer. A flat screen TV costs about $4,000; take $3,000 and use it for a deduction. We know they are going to do that. We know this is not really going to go for education. They can even purchase a car if they say they need a car in order to take the child to school in the morning, up to $3,000, of course.

This tax bill is ridiculous. It makes no sense at all. It is only a political document. In fact, we know the Senate is going to take it up because they have been stopping all this bad legislation we have been moving out of the House.

Obviously, I think, the Chair and the leadership is probably very happy about that. In fact, when I asked the gentleman from California (Mr. THOMAS) and I said, how are you going to make this fit within the budget, he said, it does not make any difference until the President signs it. Everyone on their side of the aisle chuckled because they know it is not going to become law.

We should also vote against this because there is one very important piece of legislation that should pass this year, in spite of the fact that we have Social Security problems, and others. That is school construction. We estimated that it would cost $127 billion over the next decade, $127 billion over the next decade just to repair and modernize the public schools throughout the United States. $127 billion.

The gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means, and the gentleman from New York (Mr. RANGEL), the ranking Democrat, over the years have put together a piece of legislation that would cost over the next 35 years $25 billion. That bill would go at least as a downpayment for school construction for all the public schools in America. This would be a great start.

I have a public school that I went to when I was in high school, C.K. McClatchy. I go there all the time. The roof is leaking. They cannot do anything about it. We need to pass a bill that makes sense, not bills for flat screen TVs or for automobiles. We need a bill that undoubtedly will help America's schoolchildren.

I would suggest a ''no'' vote on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), my colleague on the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I do not understand the opposition to this legislation. I am trying to figure it out, but I do not understand it, because education is supposed to be a top issue for everybody, important for everybody. So a bill that says that if a family makes less than $40,000 a year they get a tax deduction of up to $3,000 for education expenses, it would seem to me that if education is an important issue, this is a bill that should be important to them.

We just heard the dear friend who spoke before say that one could even get a car paid for with this tax deduction. I am not sure about that because the school has to certify first that it is education-related, the cost, before they can get a tax deduction.

But let us say a family does have a situation where they do not have transportation, let us say, because in that school district, for whatever reason, there is no transportation. I do not think there is a situation like that; I do not think that a school is going to certify a car. But if there would be a need for that family to have transportation and that $3,000 tax deduction to solve that transportation problem, I think it is a worthy thing to do, like I also think it would be worthy to help a family with academic tutoring or books or uniforms or supplies, which clearly would be said by the school to be education related. That is what we are talking about here. We are talking about families who make $40,000 or less, helping them out with their needs.

Other things should be done as well on education. Sign us up, of course. By the way, we got together in a bipartisan fashion, which is the way in which we should work, and the way I thought we would work with this legislation, as well, when we are talking about education. We passed the legislation that was proposed initially by the President. It was modified here.

So I would ask my colleagues to realize that we are talking about education

and we are talking about families who make less than $40,000, and to at least move the process forward, so hopefully, and whether or not the Senate acts, I do not know if the Senate is going to act, but I know education is important.

So I would say, let us move forward and let us improve upon the legislation if necessary, instead of minimizing it like we are hearing with the opposition.

This is a good bill. I commend the gentleman from California (Mr. THOMAS) for it.

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

I think we do realize that $40,000 is the limit on that. What we are saying is that is not an income that one would be paying taxes on and would allow them to get this refund.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague on the Committee on Rules for yielding time to me. I was hoping the gentleman from Florida (Mr. DIAZ-BALART) would stay so I could help to educate my good friend, the gentleman from Florida. Perhaps he will hear it back in his office.

He began his remarks by indicating he does not understand. What part of, if you have no tax liability, this bill provides no relief, does the gentleman not understand, I say to the gentleman, or any of the other Members that rise in support of this measure?

I am in opposition to the closed rule for the so-called Back to School Tax Relief Act. As soon as I hear that the teachers in my district, along with teachers and parents throughout the country, are voicing strong opposition to an education bill, that bill gets my full attention.

The teachers of America have good reason, as do parents, to be wary of this particular measure. Under the pretense of offering tax benefits to low-income families, this charade, I repeat, charade, and footnote right there, this is not going to become the law this year, and if it is, that my colleagues on the other side are setting the stage for something that is going to pass at some point in the future, then say that; but do not give the impression here on this floor that this measure is about to become the law. It is not going anywhere.

As matters go, this tax relief bill could cost the American taxpayer close to $5 billion over the next 5 years. That said, what happens when we take that out of the Federal Treasury is there is no additional money for States and localities, so some of the same parents and some of the other parents who have no relief here at all are going to wind up paying more real estate taxes.

To add insult to injury, the actual educational benefits are negligible, and the actual number of families who might benefit is amazingly small. This bill will allow two-parent families with incomes of $40,000 or less and one-parent families with incomes of $20,000 or less, almost all of whom have no tax liability, to claim deductions for educational expenses in public, private, religious, or home schools.

The fact is that most families in this tax bracket clearly do not have a tax liability and would not benefit from this bill. I know that supporters of this bill claim that it provides educational tax benefits to all low-income families. The truth is that this bill would provide educational tax benefits to a few families in America who choose to send their children to private school. Make no mistake, this bill allows tuition deductions; and it is little more than a private school voucher bill. They can put a diamond tiara and a ball gown on an elephant; but when all is said and done, it is still an elephant.

The gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from California (Mr. MATSUI) pointed to a measure that would help these parents. That is the measure offered by the gentlewoman from Connecticut (Mrs. JOHNSON) and the ranking member, the gentleman from New York (Mr. RANGEL), that would add to renovation and modification and new school construction.

If that is not something that is important, I do not know what is. I urge my colleagues to reject this rule.

□ 1115

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

Mr. Speaker, I would just point out as I am managing this rule that the discussion is on tax deductions, and my understanding, looking at Committee on Ways and Means, is that even the parliamentarian ruled that the school construction portion was not germane to the legislation that was brought forth out of the Committee on Ways and Means and to the Committee on Rules.

So while there may be great merit on school construction, and some of my colleagues here are saying that we cannot afford and should not do the tax deductions and yet have advocated school construction, there ought to be another place and time in the Committee on Ways and Means or some other vehicle in the body to bring forth the discussion on school construction.

This legislation before us is a rule bringing forth consideration by the entire body of the legislation introduced by the gentleman from Colorado (Mr. SCHAFFER) which deals with a tax deduction for K through 12.

Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. SCHAFFER), the sponsor of the legislation.

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, this rule is important. It is important because by its passage it will bring the underlying legislation to the floor. This is a bill that is about rich versus poor. And it is surprising to me to hear the opponents of the rule and the bill speak so viciously against the poor in America because that is what they are doing. See, if one is wealthy in America today, one gets a deduction for every donation made to a school whether it is public or private. But if one is poor, one does not get that deduction. Since most poor people do not itemize, they do not take the deduction.

This is an above-the-line deduction that we are proposing in the legislation which means poor families, those earning $20,000 or less on an individual return, 40,000 for a joint return, would receive a deduction on money they spend on education of their children which is a benefit they do not get today. It is a benefit that will amount to about $475 for a family in America. It is a benefit they do not have today. And the cost of educating their children is not a cost that is borne exclusively by government. It is a cost that is borne by families as well when they buy uniforms, when they buy band equipment, when they buy computers, books, school supplies, transportation; and, yes, for maybe 10 percent of those who are part of the beneficiaries of this bill, maybe tuition, maybe, at a private school.

Ninety percent of the benefit of this bill will result in more money being available for public schools, not private. And this is a benefit that occurs to poor families with children in schools and these families want to invest more money in their child's education. Those who say that $5 billion is too much to spend on the poor children of America, I say shame on you. We are going to squander more than that on every agency, department we can name, A, B, C, D departments down the street here.

But all we are talking about doing here is setting aside about $5 billion over 10 years so that poor families can afford to spend more money on their child's education, not on bridges, not on post offices in all our districts, not on new university projects, not on water projects, not on dams, not on agriculture research, but on education. I believe it is important. I believe it is one of our highest priorities, and I regret that there are people here who cannot agree with that. In fact, we agreed when we passed the budget because we built this fund, we built the $5 billion right into our own budget. And we have accommodated the spending that we are contemplating here. Let us just do it. Let us pass the resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule as well as to the underlying bill. When we first listened to the bill and we listened to the gentleman who just spoke, this bill sounds appealing. It is aimed at the working

class whom he calls the poor. It is designed to help them afford education, and we would think on first blush that that is good idea. But on closer examination what we find is this bill is really a very bad idea.

First of all, it is fiscally irresponsible. They do not want to talk about that, but the fact is for the same duration of this bill we will also be experiencing tremendous deficits in this country and this bill will only make that situation worse.

Second, we find this bill is very disingenuous. They tell us they are trying to help the working class poor, but in fact most of those people will not be eligible because this is a deduction, and if they have other deductions that do not have the requisite income levels, they will not get the benefit of this deduction. So do not believe that they are really helping the poor. This is basically an election year gimmick bill.

Third, the bill is very contradictory. In the No Child Left Behind bill, the appropriation, they have underfunded education by $7.2 billion. They are indeed leaving children behind.

Let us look specifically at special education. We made a commitment several years ago to fund 40 percent of special education costs for local school districts. We are only funding 18 percent. But now they have a new gimmick bill while they are not fulfilling the commitments they already made in the area of special education. I find that very disturbing.

They want to talk about the poor. Title I is specifically the program designed to help the poor. The No Child Left Behind bill calls for $16 billion in funding. But they actually only appropriate $11.3 billion. We are short $4.7 billion. About the same amount that they want to claim they can give back in their bill. Remember, most of the poor will not be eligible, but they will be shortchanged because we underfunded Title I.

After-school programs, certainly low income residents and students need after-school programs. They underfund after-school programs by half a billion dollars, but yet they come up with an election year gimmick bill.

As we will hear from the Democratic side, what we really need in poor communities is school modernization, technology, improved roofing, air conditioning. Young people come to me and say, We need air conditioning. It is 90 degrees and our building is not air-conditioned. That would really help the poor.

But at the end of the day what we find is this is a gimmick bill. They do not expect it to be signed into law. It is disingenuous. It suggests that people will get benefits when they are really not eligible. It is fiscally irresponsible. And it contradicts promises they have already made. There are abundant reasons why we should reject this bill and I urge my colleagues to do so.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for the opportunity to speak on behalf of this bill and to once again state the obvious, and that is, in fact, the poor will benefit.

I do not know how many ways we can put this. This is an above-the-line deduction that we are proposing. It does not matter about the deductions that they have. It is above-the-line. It will come to them regardless. It will, in fact, help the poor. I do not know how many ways there are to say that in order to, in fact, get people to understand the nature of an above-the-line deduction which is being proposed here.

Let us also talk about the possibility that this thing may not become law. Well, I do not know what will happen from this point on with this bill. My only responsibility is to determine how I should vote on this bill before me at this time and why. And I recognize that it may not become law. I recognize that there are many forces arrayed against it, mostly the forces of monopoly education, those people who say there is only one way to educate a child. It is our way or the highway; that the only money that can be possibly be spent on education is in the system we, the government, can control.

We know that that is where the real opposition is in this bill. It has nothing to do with the amount of money being spent. For heaven's sake, Members of the Committee on Ways and Means, Democratic Members of the Committee on Ways and Means have introduced 6 bills that I have in front of me that take an awful lot more money away from education than this even purports to, and this, of course, puts it into education. It is just not their kind of education. Not the education system that is run by the government that gets all of the money. It will get 90 percent of it. But a tiny little trickle may end up going to a private school and God knows we cannot have that. Why? Because we do not have control over that process.

Well, I tell you we should not. The only people that should have control over that process are the parents of the kids that are being sent to those schools. They are the ones who should make this determination as to where their kids are going to be educated, where the best educational experience can be obtained. We do not mind having that happen for people who are rich, for people who can any single day stand up and say I want my child in this district or in this school and I am willing and able to pay for it. We do not do that. Why do we do it to the poor?

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the rule and to the bill which underlies it. I just came from the Committee on the Budget, on which I sit, and listened to Mr. Greenspan tell us about the chaos in our economy, and he is talking about a Congress that has abandoned fiscal discipline. Essentially what he said was this Republican Congress in this 40th act of the fiscal follies of 2001 and 2002 has absolutely decided to eat their dessert before they eat their vegetables. You have been doing it for 2 solid years. You passed the tax cuts, but you cannot pass a budget. You have given all the goodies away and you cannot pass the budget. That is why we are not anywhere near completion here.

This private school voucher is just one more example of the same stuff. The President has clapped himself on the back, and all the Members have, about ''we passed No Child Left Behind,'' and that promised an increase of 15 percent funding in education, but the President's budget only had 2.8 percent increase in spending. Why did you promise 15 percent and then the President puts out a budget for less than a fifth of that? That does not make any sense. You are leaving kids behind, and we are going to give you an opportunity to change your priorities.

This picture has on it some of what we want to do in the motion to recommit. You can take the same money that you are giving away and throwing out there for people to buy gym shoes and TVs and whatever they want as long as they say it is for education. That is all they have to do is say it is for education. You take that same money and you can do something for public schools. With $7 billion you can leverage $25 billion of construction.

I put these pictures up here because I want you to understand we are not talking about theoretical stuff. We are talking about drinking fountains, we are talking about broken steps, we are talking about rotten ceilings in schools. We send kids to those public schools and say, ''Why do the teachers not teach them well? I think people ought to have a choice to go to a private school to get away from this.'' Because we will not put the money into something that makes real sense.

This voucher, when we questioned the people from Treasury and said what can one use this money for, it was appalling. You can do it for broadband access for your TV or maybe you do not have a TV; so because you want your computer to go through the TV, you can buy a TV, one of those nice flat-screen ones and you can deduct the whole thing. You can buy gym shoes, some of those Michael Jordan $100 gym shoes, because your kid has to take gym and that is related to gym. Babysitters or maybe a cab ride to school. The school says we are not going to have any buses and you have got to get your kid there any way you can. All you have got to do is call a cab and deduct it from your income tax.

If this makes sense when we are putting the children of the United States

in these kinds of schools, this is San Diego, but I could bring some from Seattle, and I bet there is not a Member on this floor that could not bring pictures just like this from their district, and yet we have a bill. It has been in the Congress. It was introduced. It has 228 signatures. That is more than half the House of Representatives, and we cannot get the chairman to even have a hearing. Now tell me, are we going to leave any children behind? It is pretty obvious we are because we have to continue the tax giveaway follies. Vote no on the rule, vote yes on the motion to recommit, and vote no on the bill.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding.

I rise in support of this underlying rule and in support of the underlying bill. This is the first full week of school in many areas of our country. In Florida, where I come from, they went back into school in August, but for millions of Americans things are really getting underway right now and they are being faced by significant costs.

Particularly I want to address the people who have their children in public school. Many of these families have to buy gym clothes, as the gentleman from Washington State (Mr. MCDERMOTT) mentioned. Some of them have to pay yearbook fees, they have to pay fees for new software, lots of additional fees. I had one parent with two kids in public school tell me that they were out several hundred dollars in cheerleading fees and other fees. Obviously for people who have their children in private school, this is a much greater expense.

□ 1130

This body spoke and this body voted, and the Senate approved it and it was signed into law; and we allowed a tax deduction of $3,000 for higher education.

What this debate is really about is are we going to allow the same thing for K through 12 and why not? Why not? The gentleman from Washington State talked about putting more money into education for Washington. I have been here for 8 years now. When I got here, the education budget was $30 billion. What is it now, 48 billion or something like that?

I want to address this issue of school construction. We could probably get a bill out of this body, but one of the things that holds this issue up is there are a lot of people on that side of the aisle that want to mandate that any school construction funds adhere to Davis-Bacon union work requirements; and in the State of Florida, this is going to drive up school construction costs by 30 percent. Frankly, for us in Florida, we do not want Federal money if it has those kinds of strings attached; and that gets me to what really is the issue here.

We are trying to help families, and we are not trying to help rich families. This is targeted for the $20,000 to $40,000 range. We are specifically trying to help working families that have kids and have struggled making ends meet. Why should they send 30 cents to Washington for every 70 cents they spend on their kids' education? Give them the whole dollar to spend on their kids' education.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I would just say to the last speaker that he is correct that we gave a $3,000 deduction for higher education. However, he also must know that that expires at the end of 2005. It is not a permanent tax part of this.

Secondly, I would say that it is kind of interesting to listen to some prior speakers who talked about the poor and who would get this. First, no single mother with an income more than $20,000 is going to be eligible because, by the way, $20,000 is the statutory income cutoff for noncouples.

Second, no single mother with less than a $20,000 income will benefit if she has significant child care expenses. The reason is that for every potential dollar of tax cut from a new K through 12 education deduction, she loses a dollar of benefit under the dependent care tax credit. The credit is nonrefundable so the usable credit is limited to the amount of tax liability prior to the credit if the liability is already as low as the credit or lower, which is the case for such a single mother; then reducing her tax liability with a new deduction just reduces the credit. There is no net gain.

I might point out that after reading all of this, one of the things I think the American people are very concerned about is how we make our Tax Code less complicated rather than more complicated, and this certainly is causing us to have more complication and for people to even have the ability to use this.

Third, even among mothers without dependent care expenses, for a single mother with two children to get a benefit, her income has to fit within a very narrow range of $19,250 to $20,000. A single mother, two children and a $19,250 income or less is not going to benefit because the child credit is only partly refundable and because her tax before credit is low. She is unable to use all of the $600 per-child credit, so her tax before credit is reduced by a new deduction; her usable child credits fall by that same amount.

So as my colleagues can see, there are some concerns as to who would be able to use this and particularly at those levels.

I also have to say that I always can tell when there is a bad bill because, quite frankly, the rule then governs the debate. Guess what. Today, we have a closed rule with no substitute allowed. Are we afraid to have debate in the U.S. Congress about issues that are of concern to the American public? I do not think the American public is concerned about debate. So why would we close the rule?

What we are going to have is an opportunity to at least take advantage of one area that they cannot take, and that is the motion to recommit; and in that motion to recommit, we are going to ask this Congress to look at what every State is asking for and, that is, funds for the ability to build schools. With that, let us take down this rule.

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

In listening to my colleague from Florida, I looked at the number of families and kids who could potentially benefit from the education tax deduction in 2000. The State of Florida, the number of families is 722,518. The number of children is 1,283,971.

I would also say, and I cannot speak for the Committee on Rules, but I can talk about our precedent in the Committee on Rules, and I can speak for me as an individual. I want to remind the gentlewoman that there was no substitute brought before the Committee on Rules that could have been considered and would have been routinely added as a substitute consideration to come to the floor.

Then I will also point out that I have not seen any motion that has referred to school construction that has been made available to me as a member of the Committee on Rules or to anyone else that I have asked. So I want to make sure that my colleagues both on the floor and throughout the buildings clearly understand that the rule before us today says that it is a legislation, I will ask the gentleman from Colorado to speak on again, of a deduction, of $3,000 above the line for K through 12.

School construction may be a worthy subject. It is one that we know there are sponsors on both sides of the aisle. The Parliamentarian ruled that school construction would not be part of this as it was presented in the Committee on Ways and Means and was defeated on a party-line vote. There will be a future bill on construction, I am sure, because I have not seen it go away, but this does not address that.

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. MCDERMOTT) will state his parliamentary inquiry.

Mr. MCDERMOTT. Mr. Speaker, has the Parliamentarian made a decision on the amendment which is going to be offered later in the day?

The SPEAKER pro tempore. The Chair cannot respond with an anticipatory ruling or advisory opinion.

The gentleman from New York (Mr. REYNOLDS) is recognized.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, let me ask this in the form of a question. It is my understanding, and I would like to be corrected if not, that in fact there was a substitute that was brought to the committee. My understanding is that it was out of order. But is it not customary, on occasion, that we have the opportunity to waive the rules?

Mr. REYNOLDS. Number one, it is my understanding the substitute was not germane. Number two, we usually do not waive the rules on germaneness.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, is it my understanding that the rules were waived on this bill?

Mr. REYNOLDS. We waived points of order for technical reasons.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I would just say to the gentleman, the number he has read back to me of the children and those who would have been affected by this piece of legislation, let me just say also to him that under America's Better Classroom Act, quite frankly the State of Florida would have received $1.1 billion in new additional dollars for classrooms. This could have given us some ideas of what we could have done with classroom size.

I would also say I watched after this body, and I thought we have a very good debate. We talked about education; we did a bipartisan bill. We all believed that the President was right in putting this bill of Leave No Child Behind. It was historic across the Nation. We watched people go around in a bipartisan way. I mean, we had the gentleman from California (Mr. GEORGE MILLER) and others standing hand in hand; how wonderful this legislation was going to be.

I also remember the day that the debate took place, and the debate went something along the lines, this is a good piece of legislation if the money's there. Lo and behold, we get a budget proposal this year that cuts $8 billion. Instead of restoring dollars to the budget, for things like classroom size and other things, the fact of the matter is we are going to end up cutting $7 billion to give $5 billion to probably where very few people will be able to use this because of their other tax liabilities.

I would suggest to this body that if my colleagues are going to make promises and go out and talk about historic legislation, they ought to back it up with the money and quit playing tax breaks for a few.

Mr. REYNOLDS. Mr. Speaker, our last speaker is the bill's sponsor. I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER) to help us clearly see the intent of what he has sponsored in his legislation, because the debate on education has taken us in varied directions.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for putting the final discussion here in the right context because the debate has drifted far away from the intended subject, and that subject is America's children who are in schools and primarily those who are poor.

I have always appreciated the gentlewoman from Florida for her candor, and I appreciate it again today because she really revealed the motivation behind many of the votes that will take place today. It is motivated by unrelated issues, about school construction, other bills; and unfortunately, if they succeed, the casualty in the outcome of that debate would be poor children in America.

The bill that precipitated the debate and brought the rule here is all about focusing on families that earn $20,000 per individual, $40,000 per married couple, and allowing them to deduct from their taxable income up to $3,000 of expenditures for costs associated with educating their children, for books, supplies, materials, tuition, transportation, those items that those families believe to be in the best interests of furthering their child's education.

I understand there are many here who have opposed and been in opposition of this idea because they do not trust these parents. They think they might buy flat screen TVs. Guess what, the Department of Education buys flat screen TVs. In fact, the Department of Education has a very bad record over the last several years when it comes to waste, fraud and abuse. We have investigated it. I did not see anybody over on that side of the aisle stand up saying, wait a minute, since they spent money on Cadillacs, flat screen TVs, have lost cash, hundreds of millions of dollars, let us not give them anymore. Nobody raised that argument. In fact, my colleagues' argument then was let us give them more money so they do not waste as much.

I tend to trust families and individuals to spend money right when it comes to their children, and I trust them more than I do government. That is just what I believe, and that is really what this debate is all about.

For those who believe that there is not really an appreciable benefit for families, they should just vote for it, because as my colleague pointed out, this costs $5 billion. That is $5 billion of children who stand to benefit from this legislation. Let us spend it on them rather on the bureaucracy, and let us vote for the rule.

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

I would like to make two points. One is that we do trust American families on this side of the aisle. We trust them enough that we do not want to perpetrate a hoax on them this morning, which we think is exactly what is happening here, and to point out that had the gentleman from New York's (Mr. RANGEL) substitute been allowed and passed, that our State of New York would receive $2.5 billion in much needed construction money.

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

□ 1145

Mr. REYNOLDS. 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. LAHOOD). The question is on the resolution.

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

Ms. SLAUGHTER. 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 208, nays 201, not voting 23, as follows:

[Roll No. 387]

YEAS—208

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Cox
Crane
Crenshaw
Cubin
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
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
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, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
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
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—201

Abercrombie
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)
Castle
Clay
Clayton
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
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Ackerman
Bonilla
Clement
Combest
Cooksey
Gallegly
Gilman
Gonzalez
Hastings (WA)
Hilleary
Issa
Lynch
Meek (FL)
Miller, Gary
Miller, George
Mink
Neal
Rahall
Roukema
Stearns
Stump
Towns
Velazquez

□ 1212

Messrs. HONDA, DICKS, LIPINSKI, JACKSON of Illinois, McINTYRE, JEFFERSON and Ms. McCOLLUM changed their vote from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 387 I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, on the morning of Thursday, September 12, 2002, I was in my congressional district participating in ceremonies honoring constituents who perished in the September 11, 2001, terrorist attacks on America. Due to this circumstance, I was unable to cast votes for rollcalls 385 and 386. Had I been present, I would have voted in the following manner: ''yea'' on rollcall 385; ''yea'' on rollcall 386.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1215

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time to inquire of the distinguished majority leader what the schedule is. Was that the last vote of the day, and how are we going to proceed?

I am pleased to yield to the distinguished gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, September 17, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspensions of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

For Wednesday and the balance of the week, I have scheduled the following measures: H.R. 1701, the Consumer Rental Purchase Agreement Act, and H.R. 4687, the National Construction Safety Team Act.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I would like to inquire of the majority leader when he expects the bill that was just pulled to be rescheduled?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry.

We do have some technical considerations. We will have to have some discussions among ourselves, the bill sponsor and the committee of jurisdiction. I will announce in ample time for everybody's consideration before we reschedule it again.

Ms. PELOSI. I would further like to inquire of the majority leader when the appropriations bills will come to the floor?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's concern on that. We wait upon the circumstances that allow us to bring our appropriations bills to the floor in a manner that is consistent with the budget passed by the House. We know this is a difficult circumstance for the House, in light of the fact that the other body has not passed a budget whatsoever and is seeking to spend anywhere from $9 billion to $19 billion beyond the President's request and the House budget. So we continue to work on these difficult problems.

Ms. PELOSI. Mr. Speaker, I thank the gentleman. I was particularly interested in the Labor, Health, Human Services and Education bill, when that would come to the floor, because in its present form it cuts $7 billion in education from the Leave No Child Behind bill that was passed, H.R. 1, with great fanfare early in the year. So we are very, very interested in the resolution and the debate on that bill.

Would that bill be coming up next week?

Mr. ARMEY. Again I want to thank the gentlewoman for the inquiry.

The Labor, Health and Human Services bill has always been a bill that this side of the aisle, the Republican majority, has given special attention to. Indeed, Mr. Speaker, we have more than doubled spending on that bill since 1996, going from $67 billion at that time, the first year in which we had majority jurisdiction, to $130 billion today. So we continue to have great emphasis on that bill. Indeed, we plan a 5.3 percent increase over the previous year; a 3.7 percent increase over last year for education and a 14.2 percent increase over last year for title I. So we continue to work with a sense of priority for that.

Obviously, we always understand that the very definition of ''underfunded'' in this town is the difference between what a bill's original sponsor seeks to authorize and what in fact is indeed appropriated. But we are continuing, as we have done, to increase appropriations in this bill and its jurisdiction more than other appropriations bills.

Ms. PELOSI. Reclaiming my time, I am glad the gentleman ended on that note, because further to remind our colleagues, the President's Leave No Child Behind bill, H.R. 1, the flagship bill on education that was passed by this body, had $7 billion in the President's bill for education, but in this bill cutting the investment in education leaves millions of children behind. So it is a high priority for us, and we look forward to that bill coming to the floor.