



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, OCTOBER 2, 2002

No. 127

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 2002.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Gerald M. Kane, Temple Beth El, Las Cruces, New Mexico, offered the following prayer:

Dear God, Author of life, Creator of all:

As we gather today in this history-packed, awesome Chamber, we ask Your blessing on our esteemed Representatives as they continue to help chart a course for our Nation and its citizens.

Although the times in which we are blessed to live provide them with many legislative challenges, may they, guided by Your wisdom, seek the very best ways to keep our country free from prejudice, oppression and strife.

In these days of turbulence in our world, keep them steady in their deliberations. Inspire them to continue in their quest, not just for us, but for all citizens of this planet, to promote the values upon which this great Nation was founded: justice, liberty, equality, freedom and peace.

Let Your blessing rest upon them and be near to them. Grant them strength of body, of health, of mind.

Lift up Your countenance upon us all, and grant us Your most precious of blessings, the gift of shalom—balance and peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. McNULTY. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute speech at this point.

WELCOMING RABBI GERALD KANE

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

Mr. SKEEN. Mr. Speaker, it is my pleasure to welcome our guest chaplain, Rabbi Gerald Kane, the rabbi of Temple Beth El in Las Cruces, New Mexico. Jewish pioneers have played an important role in the development of New Mexico for almost 200 years. Since the establishment of the first synagogue in 1883, New Mexico has benefited from the wisdom of many learned Jewish leaders. Rabbi Kane has continued that proud tradition. He grew up in New Jersey and graduated from the University of Buffalo. He was ordained from Hebrew Union College in 1970. For his long record of distinguished service, he received a doctor of divinity from Hebrew Union College in 1995. Rabbi Kane has helped guide many outstanding organizations around the United States. He has worked tirelessly for education and interfaith cooperation throughout our communities. He created programs to stop violence toward women and children and for supporting the battle on mental health. Southern New Mexico has also benefited from his love of the theater and his commitment to bring the arts to students everywhere. I welcome Rabbi Kane to the House of Representatives and thank him for his opening prayer this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will put the question on approving the Journal and on motions to suspend the rules on which further proceedings were postponed on Tuesday, October 1, in the order in which that motion was entertained.

Votes will be taken in the following order:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H6929

Approving the Journal, de novo;
House Concurrent Resolution 476, by
the yeas and nays;
H.R. 2357, by the yeas and nays.
The Chair will reduce to 5 minutes
the time for any electronic vote after
the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the pending
business is the question of the Speaker's
approval of the Journal of the last
day's proceedings.

The question is on the Speaker's approval
of the Journal.

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

Mrs. BONO. 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 343, nays 55,
answered "present" 1, not voting 32, as
follows:

[Roll No. 427]

YEAS—343

Abercrombie	Clement	Gonzalez
Ackerman	Clyburn	Goode
Akin	Coble	Goodlatte
Allen	Collins	Gordon
Andrews	Combest	Goss
Armey	Coyne	Graham
Baca	Cramer	Granger
Bachus	Crenshaw	Graves
Baker	Crowley	Green (WI)
Baldacci	Cubin	Greenwood
Ballenger	Culberson	Grucci
Barrera	Cummings	Hall (TX)
Barr	Cunningham	Hansen
Barrett	Davis (CA)	Harman
Bartlett	Davis (IL)	Hart
Bass	Davis, Jo Ann	Hastings (WA)
Becerra	Davis, Tom	Hayes
Bentsen	DeGette	Hayworth
Berkley	Delahunt	Herger
Berman	DeLauro	Hill
Berry	DeLay	Hinojosa
Biggart	DeMint	Hobson
Bilirakis	Diaz-Balart	Hoeffel
Bishop	Dicks	Hoekstra
Blagojevich	Dingell	Holden
Blumenauer	Doggett	Honda
Boehlert	Dooley	Horn
Boehner	Doolittle	Hostettler
Bonilla	Doyle	Houghton
Bono	Dreier	Hoyer
Boozman	Duncan	Hunter
Boswell	Dunn	Inslee
Boucher	Edwards	Isakson
Boyd	Ehlers	Israel
Brady (TX)	Emerson	Issa
Brown (FL)	Engel	Istook
Brown (SC)	Eshoo	Jackson (IL)
Bryant	Evans	Jackson-Lee
Burr	Everett	(TX)
Burton	Farr	Jefferson
Buyer	Fattah	Jenkins
Callahan	Flake	John
Calvert	Fletcher	Johnson (CT)
Camp	Foley	Johnson (IL)
Cannon	Forbes	Johnson, E. B.
Cantor	Fossella	Jones (NC)
Capito	Frank	Jones (OH)
Capps	Frelinghuysen	Kanjorski
Cardin	Frost	Kaptur
Carson (IN)	Gallegly	Keller
Carson (OK)	Ganske	Kelly
Castle	Gekas	Kennedy (RI)
Chabot	Gibbons	Kerns
Chambliss	Gilchrest	Kildee
Clayton	Gilman	Kilpatrick

Kind (WI)	Ney
King (NY)	Northup
Kingston	Norwood
Kirk	Ortiz
Kleczka	Osborne
Knollenberg	Ose
Kolbe	Otter
Kucinich	Owens
LaFalce	Oxley
LaHood	Pascrell
Lampson	Pastor
Langevin	Paul
Lantos	Payne
Larson (CT)	Pelosi
LaTourette	Pence
Leach	Peterson (PA)
Lewis (CA)	Petri
Lewis (GA)	Phelps
Lewis (KY)	Pickering
Linder	Pitts
Lipinski	Pombo
Lofgren	Pomeroy
Lowey	Portman
Lucas (KY)	Price (NC)
Lucas (OK)	Pryce (OH)
Luther	Putnam
Lynch	Quinn
Maloney (CT)	Radanovich
Maloney (NY)	Rahall
Manzullo	Rangel
Matheson	Regula
Matsui	Rehberg
McCarthy (MO)	Reyes
McCarthy (NY)	Reynolds
McCollum	Riley
McCrery	Rivers
McHugh	Rodriguez
McInnis	Roemer
McIntyre	Rogers (KY)
McKeon	Rogers (MI)
Meehan	Rohrabacher
Meeks (NY)	Ros-Lehtinen
Menendez	Ross
Mica	Rothman
Millender-	Roybal-Allard
McDonald	Royce
Miller, Dan	Rush
Miller, Gary	Ryan (WI)
Miller, George	Ryun (KS)
Miller, Jeff	Sanders
Mollohan	Sandlin
Moran (KS)	Sawyer
Moran (VA)	Saxton
Morella	Schiff
Murtha	Scott
Myrick	Sensenbrenner
Nadler	Serrano
Napolitano	Sessions
Neal	Shadegg
Nethercutt	Shaw

NAYS—55

Aderholt	Hinchey
Baird	Holt
Baldwin	Hooley
Borski	Hulshof
Brady (PA)	Kennedy (MN)
Capuano	Larsen (WA)
Condit	Latham
Costello	Lee
DeFazio	LoBiondo
English	Markey
Etheridge	McGovern
Ferguson	McNulty
Finler	Moore
Ford	Nussle
Green (TX)	Oberstar
Gutierrez	Obey
Gutknecht	Olver
Hefley	Pallone
Hilliard	Peterson (MN)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—32

Barton	Deal	McDermott
Bereuter	Deutsch	McKinney
Blunt	Ehrlich	Meek (FL)
Bonior	Gephardt	Platts
Brown (OH)	Gillmor	Roukema
Clay	Hastings (FL)	Sanchez
Conyers	Hilleary	Schrock
Cooksey	Hyde	Stump
Cox	Johnson, Sam	Tanner
Crane	Levin	Young (AK)
Davis (FL)	Mascara	

□ 1029

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

PERSONAL EXPLANATION

Mr. COX. Mr. Speaker, on the rollcall votes
scheduled for Tuesday evening and Wednesday
morning, October 1 and 2, I was unable
to vote in consequence of travel outside of
Washington, DC.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr.
FOSSELLA). Pursuant to clause 8 of rule
XX, the Chair will reduce to 5 minutes
the minimum time for electronic vot-
ing on each motion to suspend the
rules on which the Chair has postponed
further proceedings.

EXPRESSING SUPPORT FOR GOALS
AND IDEAS OF DAY OF TRIBUTE
TO ALL FIREFIGHTERS

The SPEAKER pro tempore. The un-
finished business is the question of sus-
pending the rules and agreeing to the
concurrent resolution, H. Con. Res. 476.

The Clerk read the title of the con-
current resolution.

The SPEAKER pro tempore. The
question is on the motion offered by
the gentleman from Michigan (Mr.
SMITH) that the House suspend the
rules and agree to the concurrent resolu-
tion, H. Con. Res. 476, on which the
yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 407, nays 0,
not voting 24, as follows:

[Roll No. 428]

YEAS—407

Abercrombie	Boswell	Crowley
Ackerman	Boucher	Cubin
Aderholt	Boyd	Culberson
Akin	Brady (PA)	Cummings
Allen	Brady (TX)	Cunningham
Andrews	Brown (FL)	Davis (CA)
Armey	Brown (SC)	Davis (IL)
Baca	Bryant	Davis, Jo Ann
Bachus	Burton	Davis, Tom
Baird	Buyer	DeFazio
Baker	Callahan	DeGette
Baldacci	Calvert	DeLauro
Baldwin	Camp	Delahunt
Ballenger	Cannon	DeLay
Barcia	Cantor	DeMint
Barr	Capito	Diaz-Balart
Barrett	Capps	Dicks
Bartlett	Capuano	Dingell
Barton	Cardin	Doggett
Bass	Carson (IN)	Dooley
Becerra	Carson (OK)	Doolittle
Bentsen	Castle	Doyle
Berkley	Chabot	Dreier
Berman	Chambliss	Duncan
Berry	Clayton	Dunn
Biggart	Clement	Edwards
Bilirakis	Clyburn	Ehlers
Bishop	Coble	Emerson
Blagojevich	Collins	Engel
Blumenauer	Combest	English
Blunt	Condit	Eshoo
Boehlert	Cooksey	Etheridge
Boehner	Costello	Evans
Bonilla	Coyne	Everett
Bono	Cramer	Farr
Boozman	Crane	Fattah
Borski	Crenshaw	Ferguson

Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinches
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hookey
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecza
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos

Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
LaHood
Regula
Rehberg
Reyes
Reynolds

Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

Bereuter
Bonior
Brown (OH)
Burr
Clay
Conyers
Cox
Davis (FL)

Deal
Deutsch
Hastings (FL)
Hilleary
Larson (CT)
Levin
Mascara

McDermott
Roukema
Ryun (KS)
Sanchez
Schrock
Stump
Tanner
Young (AK)

NOT VOTING—24

□ 1037

So (two-thirds having voted in favor thereof) the rules were suspended and the current 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. LARSON of Connecticut. Mr. Speaker, on rollcall No. 428, had I been present, I would have voted "yea."

Mr. RYUN of Kansas. Mr. Speaker, on rollcall No. 428, I was inadvertently detained. Had I been present, I would have voted "yea."

HOUSE OF WORSHIP POLITICAL SPEECH PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2357.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2357, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 178, nays 239, not voting 14, as follows:

[Roll No. 429]

YEAS—178

Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bilirakis
Blunt
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Gibbons
Gillmor
Goode
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom

DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof

Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
LaHood
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Otter
Oxley
Paul
Pence

Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Sununu
Royce
Ryan (WI)
Ryun (KS)

Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Tancredo
Tauzin
Taylor (NC)

NAYS—239

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gephardt
Gilchrest
Gilman

Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Harman
Hill
Hilliard
Hinches
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hookey
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Klecza
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Millender-
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Oliver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton

Velazquez	Watt (NC)	Woolsey
Visclosky	Waxman	Wu
Walden	Weiner	Wynn
Waters	Wexler	
Watson (CA)	Wilson (NM)	

NOT VOTING—14

Clay	Hastings (FL)	Sanchez
Cox	Hilleary	Schrock
Deal	Hunter	Stump
Deutsch	Mascara	Tanner
Ehrlich	Roukema	

□ 1047

Mrs. BONO and Ms. MCKINNEY changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GEKAS. Mr. Speaker, this morning during rollcall vote No. 429 on H.R. 2357, I inadvertently cast a vote in the negative. H.R. 2357, The House of Worship Political Protection Act would not have passed had I voted in the affirmative, however, as a principled and strong supporter of the measure, I would like the CONGRESSIONAL RECORD to reflect that it was my intention to vote for the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will entertain 15 1-minutes.

AMERICA HAS LOST ONE OF ITS GREATEST SUPPORTERS OF EDUCATION, AMBASSADOR WALTER ANNENBERG

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

Mr. DREIER. Mr. Speaker, yesterday the United States lost a true patriot. Ambassador Walter Annenberg, who represented America to the Court of St. James, was a brilliant business and political leader, patron of the arts, and one of our Nation's greatest supporters of education.

He touched this institution recently as his foundation was among the first to volunteer support for the U.S. Capitol Visitor's Center. Just last month, he underwrote our important trip to New York to memorialize September 11.

I will never forget, 2 years ago at her birthday dinner, when he said that the most important thing he did was to marry Lee. This past Sunday, Lee and Walter Annenberg celebrated their 51st wedding anniversary.

I shall miss his advice, counsel, and encouragement, and I know, Mr. Speaker, that I speak for everyone in this great body when, with appreciation for all that Walter did, I extend our thoughts and prayers to the Annenberg family.

INTRODUCTION OF DIGITAL CHOICE AND FREEDOM ACT OF 2002

(Ms. LOFGREN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, today I introduced the Digital Choice and Freedom Act of 2002. Copyright laws have always sought to strike a fair balance between copyright holders and society. Copyright protection encourages and rewards authors; but, as the Supreme Court stated in Twentieth Century Music Corp. versus Aiken, "Private motivation must ultimately serve the cause of promoting broad public availability. . . ."

To maintain the balance in the digital age, we must find ways to prevent digital pirates without treating every consumer as one. Yes, digital allows perfect copies to be distributed over the Internet, but digital technology also lets copyright holders control how consumers enjoy the books, music, and movies they buy.

Online publishers do not just set the price, they can control where, when and for how long buyers use and enjoy what they bought, contrary to the intent of Congress and the DMCA.

My bill restores the balance by letting buyers enjoy what they bought in their home, car, or in mobile devices.

The bill also helps copyright holders by promoting digital alternatives that are affordable, reliable, secure, and respectful of consumers. Providing room for technological innovation will also spur economic growth and lead to more jobs.

AMBASSADOR WELCH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. Ambassador to Egypt, David Welch, recently published an op ed in an Egyptian newspaper encouraging newspaper editors to be more careful about vetting articles before publishing them. There has been an upsurge of hate speech and commentary in that region suggesting that al-Qaeda was not responsible for the attack on 9/11. Ambassador Welch rightly pointed out that there is overwhelming and conclusive proof that al-Qaeda planned and executed the attack, including al-Qaeda's own admission.

Newspapers have a responsibility to report the truth, and not to repeat lies and ridiculous rumors. Now our Ambassador has a bunch of Egyptian columnists, writers, and cartoonists angry with him. They issued a statement that he should go back to his country, and accused him of only seeing the region through Israeli eyes.

Egypt is a friend and ally of the United States, but I think it would be appropriate for that country's journalists to treat Ambassador Welch with more respect and to report the truth, just as Ambassador Welch has suggested.

DOMESTIC VIOLENCE AWARENESS MONTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of National Domestic Violence Awareness Month.

Family violence is an epidemic affecting 25 percent of the population, and women account for 85 percent of the victims of domestic violence; but only half of female victims of violence report an injury, and of those, only 20 percent seek medical assistance.

Mr. Speaker, along with many of my colleagues, I have been working to address and combat the prevalence of domestic violence in our society. For example, the gentleman from Ohio (Mr. LATOURETTE) and I authored legislation to provide women over 18 with the opportunity for domestic violence screening and treatment services.

In addition, the gentleman from Ohio (Mr. LATOURETTE) and I have introduced a bill to establish an Office of Family Violence at the Department of Health and Human Services. This new office would facilitate coordination between the health sector, the justice system, and social services in the prevention of family violence.

This month, let us remember the importance of the national campaign to raise domestic violence awareness. This campaign is critical to eliminating all forms of violence perpetrated against women, children, and men. We must stop the cycle of violence.

INTRODUCTION OF HOUSE RESOLUTION 567, COMMENDING IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE COMMUNITY

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, last night I introduced House Resolution 567, commending the importance of the surface transportation infrastructure community. This integral aspect of our economy has continually provided and maintained a system of transportation that facilitates commerce and provides consistent modes of transit for the traveling public.

House Resolution 567 recognizes the construction industry, which has continually provided us with a safe and efficient system of roadways; the trucking and rail industry, which ensures that each town and city in America is promptly provided with the goods and services it needs; and our system of public transportation, for providing us with a safe and viable means of travel.

I also would like to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this bill.

URGING CONGRESS TO COMPLETE LEGISLATION AUTHORIZING DEPARTMENT OF HOMELAND SECURITY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, America is about to go to war. One of the fundamental principles of war is that before we project force, we secure our base of operations and supply lines.

In July of this year, the House of Representatives labored mightily for hours and days and weeks to craft legislation creating a new Department of Homeland Security. We passed legislation to secure our base and ensure lines of communication between those who ensure our domestic tranquility.

As we prepare to engage an enemy capable of attacking our Nation and our homeland, I rise today to urge my colleagues in the other body to act. This Congress must not adjourn before the elections until we create a Department of Homeland Security, and prepare this Nation for the realities and the dangers that lie ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be reminded not to urge action from the other body.

RECOMMENDING PASSAGE OF A COMPREHENSIVE AND BALANCED ENERGY PLAN

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, another week has passed without a comprehensive and balanced energy plan. In the first 6 months of this year, we paid terrorists an average of \$13 million a day for their oil. This must end. Because America does not have a comprehensive energy plan, we continue to purchase oil from the Middle East; but there is a balanced plan, and it does include increasing domestic oil production.

More domestic oil will give us a stable supply and allow us to diminish our dependence on foreign oil. From January to June, we paid \$2.3 billion to the countries that give suicide bombers thousands of dollars to threaten the very existence of democracy.

Total reliance on energy resources from nations that harbor animosity towards America and our allies must become a thing of the past. Mr. Speaker, we need to unify as Americans and pass a comprehensive and balanced energy plan. The security of our Nation depends on eliminating our dependence on foreign oil.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. WELLER. Mr. Speaker, pursuant to House Resolution 547, I call up the resolution (H. Res. 543) expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 543 is as follows:
H. RES. 543

Whereas there are more than 36,000,000 American working couples that are affected by the unfair marriage tax penalty;

Whereas this unfair tax punishes our society's most basic institution by discouraging couples from getting married;

Whereas this burdensome tax forces married couples to pay higher taxes than they would if they were single;

Whereas a bipartisan majority of the House of Representatives passed H.R. 4019 on June 13, 2002, permanently extending the marriage penalty relief provided by the Economic Growth and Tax Relief Reconciliation Act of 2001;

Whereas failure to enact permanent marriage tax relief will reimpose the unfair marriage tax penalty after 2010 on more than 36,000,000 married working couples;

Whereas permanent marriage tax penalty relief will encourage and promote the values of marriage, family and hard work; and

Whereas the Senate has not passed H.R. 4019 or equivalent legislation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on H.R. 4019 and the Congress should present it to the President prior to adjournment of the 107th Congress so that 36,000,000 married couples can benefit from permanent marriage penalty tax relief.

The SPEAKER pro tempore. Pursuant to House Resolution 547, the gentleman from Illinois (Mr. WELLER) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

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

Mr. Speaker, I appreciate the opportunity to bring House Resolution 543, expressing the sense of the House that Congress should complete action on H.R. 4019, before the House today.

H.R. 4019, which passed the House on June 13, 2002 by an overwhelming bipartisan vote of 271 to 142, makes the marriage tax penalty relief provisions of the Economic Growth and Tax Relief Act of 2001 permanent.

There are 42 million American working families, 42 million American working couples, that are impacted by the unfair marriage tax penalty and who would benefit from this legislation.

My colleagues and I have often asked ourselves, is it right, is it fair, that under the Tax Code, that 42 million married working couples pay on average higher taxes, almost \$1,700 more, just because they are married. Is that

right? Is it fair that we punish society's most basic institution? We need to permanently eliminate the marriage tax penalty.

□ 1100

Last year's tax legislation, which we nicknamed the Bush tax cut, included efforts to eliminate the marriage tax penalty. It was signed into law by President Bush on June 6, 2001. Unfortunately, that legislation was temporary and expires in just a few short years.

We helped married couples in a number of ways by eliminating the marriage tax penalty. First, we doubled the standard deduction to twice that of singles, helping families that do not itemize their income taxes. It is estimated that 21 million American families will be affected by provisions relating to the standard deduction each year.

Second, we help those who itemize such as home owners and those who give to their church, charity or synagogue by widening the 15 percent tax bracket. And it is estimated that 20 million American couples benefit from the widening of the 15 percent tax bracket to twice that of singles.

Third, we also help the working poor by eliminating the marriage tax penalty which existed in the earned income credit. This is currently helping 4 million low-income working couples annually, many who have children.

Since 1969 our tax laws punished married couples when both the husband and wife were in the workforce. For no other reason than to be joined in holy matrimony 42 million married working couples who are both in the workforce pay higher taxes, what we call the marriage tax penalty, each year. They pay more in taxes than if they just lived together as two singles.

Not only is the marriage tax penalty unfair, it is just plain wrong that our Tax Code has punished society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and also on lower-income couples with children, all the more reason to make this legislation permanent.

Many are familiar with a young couple from the district that I represent, Shad and Michelle Hallihan and how they suffered the unfair marriage tax penalty. And I have also recently introduced another couple from my district, Jose and Magdalena Castillo of Joliet, Illinois. And Jose and Magdalena Castillo have a combined salary of almost \$82,000 a year. Jose earns \$57,000 and Magdalena earns \$25,000. They suffer on average a \$1,125 marriage tax penalty. They have two children, Eduardo and Carolina. And as a result of the tax law passed last year, their marriage tax penalty will be reduced under the Bush tax cut under the marriage tax penalty provisions by \$1,125; and that is real money in Joliet, Illinois. This represents a 12 percent overall tax cut for the Castillo family.

Imagine the opportunities that this creates for the Castillo family and millions of other middle-income working families benefiting from our efforts to eliminate the marriage tax penalty. With that \$1,125 the Castillos can start saving for their children's college education, save for their retirement, or put a small down payment on a new home. The bottom line is the marriage tax penalty of \$1,125 or the average marriage tax penalty of \$1,700 is real money to real American working families.

Overall, in my home State of Illinois 1,149,196 couples will receive a total of \$2 billion in marriage tax relief because of tax law changes that we have passed into law this past year.

What Congress must do now is to make sure that American families know that this much deserved tax relief will not be taken away. Think about that. Married couples are now threatened with higher taxes unless we make our efforts to eliminate the marriage tax penalty permanent. We must make marriage tax penalty relief permanent for 42 million American working couples. That is 84 million taxpayers that benefited from our legislation.

As unfair as the marriage tax penalty is, it seems even more unfair to consider telling couples like Shad and Michelle Hallihan or Jose and Magdalena Castillo that in a few years they must bear the burden of higher taxes, and in Jose and Magdalena's case it will be \$1,125 in higher taxes if we fail to make our efforts permanent and permanently eliminate the marriage tax penalty.

As my colleagues already know, the House has passed our legislation, overwhelmingly passed this legislation with an overwhelming bipartisan vote. Almost 60 Democrats joined with every House Republican in voting to eliminate the marriage tax penalty permanently. But the Senate has not yet acted.

Mr. Speaker, H. Res. 543 expresses the sense of the House that H.R. 4019 should become law. H.R. 4019 is a good bill that encourages and rewards the values that we most hold dear: marriage, family, and hard work. I encourage and ask my colleagues in this House to vote for H. Res. 543, making marriage tax penalty relief a permanent part of our Tax Code. Let us not raise taxes on working families. Let us keep this marriage tax penalty relief permanent and prevent that tax increase.

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

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

Mr. Speaker, just so everyone understands exactly what we have before us on the floor of the House today, this is a resolution. And this resolution basically asks the Senate to consider a bill that we passed some months ago and sent to the Senate. And what is somewhat interesting about this resolution

is that when one sends a bill to the United States Senate, one expects the Senate to understand that since the majority of Members sent it over there, that we support it as a body and, therefore, we request that they take action on it.

And so what we are doing today basically is meaningless. It has no relevancy. And it is just basically taking up a lot of our time because the other body knows that we want a piece of legislation that was sent over there to be passed. We do not have to tell them again.

And if some people feel anxious about this, which obviously some people do, the best thing to do is walk over there. It takes about 5 minutes to walk to the other body and suggest to the other body that they take it up. And if the other body says, I do not want to take it up, then ask why, and then you can begin a dialogue. But to send over a resolution that is meaningless, that has no relevance, again, is wasting our time.

Now, I have to say that there are three issues that we have to decide before we adjourn in another week or 2 weeks. One, obviously, is the issue of Iraq, a very important issue and one that we all have an obligation to address.

The second issue, obviously, is our war against terrorism. And hopefully we will be able to take action on that in terms of the Homeland Security Department and others over the next couple of weeks.

The third, obviously, is our national economy. And that means we have an obligation to the American public, to those people that are working so hard in the Federal Government, to pass the 13 appropriations bills and get them to the President of the United States so that he can sign them. And what is interesting is the fact that as of October 1 we have started a new fiscal year, but we have not yet sent one appropriations bill to the President.

Now, I believe we have passed five in this body and we have sent them over to the other body. But we have eight more that we have not taken up yet. In fact, some are very ready to go because they have passed the subcommittee and Committee on Appropriations, but they are still not brought up. And this all relates and pertains to the economy, Mr. Speaker.

The economy in this country today has major problems. And for us to be talking about a marriage penalty, by the way, which, incidentally, even if we were bringing up the legislation and not a resolution today, this bill that the gentleman from Illinois (Mr. WELLER) is talking about really will not take effect until the year 2010, 8 years from now, 2010. And so what we are doing is not only not relevant, but, secondly, it is not relevant for at least 8 more years or the year 2010. And so what we really should be doing is focusing on our national economy.

Just this last week there were over 400,000, 400,000 claims for new unem-

ployment benefits in this country. The stock market since President Bush has taken the oath of office in January 2001 has gone down 4,000 points, about 38 percent. The average American and many pension funds have lost in excess of \$17 trillion, \$17 trillion because of the 4,000-point drop in the stock market.

And as a result of that, we should be taking up issues that the American public will be helped by, that will become relevant to the American public, not issues that are 8 years off, not issues that are somewhat meaningless in terms of the individual problems that people have at this particular time. We should be taking up issues, frankly, that have meaning to this economy, the average American, and to those many Americans who have lost their health insurance benefits and also their unemployments benefits.

We have that obligation. That is why we were sent here, to represent the American public on issues that are long term, not marriage penalty that will come into effect in the year 2010, but long-term problems such as Iraq, such as the homeland security issue, and also problems facing the average American today like our national economy.

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

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

Mr. Speaker, I would note to my good friend from California (Mr. MATSUI) that there are 48,251 married couples who will see higher taxes in the fifth district of California unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of H. Res. 543 and want to commend the gentleman from Illinois (Mr. WELLER) for his leadership on this issue.

Throughout the history of civilization, marriage has been a fundamental building block of society. If it were not for strong families, I think it is safe to say our country would not be the great country that it is today. But this government for far too long has been actually punishing families for staying together and punishing couples for getting married in the first place.

Now, the Welfare Reform Law of 1996 went a long way to reversing this. Unfortunately, some in this Congress want to roll back those reforms, and the authorization bill still has not passed the other body. But the Tax Code itself penalizes couples for getting married. That is absolutely wrong. We had fixed it last year, but it was only a temporary fix. This year, we in the House have passed a bill to make that fix permanent, as it should be. Unfortunately, the other body has not seen fit to bring it up for a vote so that it cannot go to the President and become law.

Mr. Speaker, this is very important legislation. I hope on behalf of every American couple that we can make repeal of the marriage penalty permanent this year. I thank, again, the gentleman for his leadership on the issue.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to myself.

Mr. Speaker, since the gentleman from the State of Illinois (Mr. WELLER) was kind enough to advise me of the amount of marriage penalty relief in the year 2010 and beyond that Californians will receive, I thought it would be important just to reciprocate and advise the gentleman from Illinois (Mr. WELLER) that in the State of Illinois 169,000 unemployed people would be benefited just by extending the unemployed benefit insurance program by a few months. And it would seem to me that that is what we should be doing now, taking care of those people that are unemployed so they can begin to spend money and maybe jump-start our economy and create a little more consumer purchasing power.

Second, I might just point out too, and we do not need to get into the substance of this issue but perhaps it does make some sense, we are predicting deficits as far as the eye can see. And a vote in favor of this resolution, just as a vote we took some months ago on extending the marriage penalty beyond 2010, will invade the Social Security trust fund, thereby further jeopardizing Social Security recipients that are currently receiving benefits. And I think that the American public should be aware of that.

Mr. Speaker, I yield 3 minutes to the gentleman from the State of Michigan (Mr. LEVIN), a member of the Committee on Ways and Means and the ranking Democrat on the Subcommittee on Trade.

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

Mr. LEVIN. Mr. Speaker, I wanted to pick up the theme of the gentleman from California (Mr. MATSUI), actually both themes.

One of the issues is fiscal irresponsibility, and what the gentleman from Illinois (Mr. WELLER) and others are suggesting is we have a deep hole, so dig it deeper. And as the gentleman from California (Mr. MATSUI) has pointed out, what you are digging out are Social Security monies. These are monies that people pay in taxes for Social Security; and that is the height of fiscal irresponsibility.

But I want to comment on the second theme about unemployment compensation. It is disgraceful that the majority intends to leave here without raising one little finger to help people who are unemployed through no fault of their own in this country. We passed earlier a temporary emergency unemployment compensation program. It terminates on December 28, 2002; but you have not done a darn thing to try to extend it or improve it.

□ 1115

So here are the numbers and the gentleman from California (Mr. MATSUI) mentioned Illinois, but what is true of Illinois is true throughout this country as unemployment stays high; 860,000 workers whose benefits ran out by the end of September and who remain unemployed. This is through no fault of their own or they would not be receiving this money. Add to that 610,000 who are going to, this is an estimate, exhaust their benefits, UC benefits in the final three months of this year.

So we are now up to what, a million and a half people, most of them with families, and then we have another 820,000 unemployed workers who will have their TEUC benefits cut off at the end of December when the program ends. Then added to that, an estimated 800,000 who are going to exhaust their regular benefits for unemployment in January and February. The numbers are staggering.

These are human beings, most of whom have worked all of their working lives and my colleagues come forth here, not having done anything to address their needs, and they want to pass a bill about 2011. What about 2002? What about October, November, December of 2002, not 2011? What about January, February, March of 2003?

This shows the difference between these two parties.

Mr. WELLER. Mr. Speaker, how much time remains, if I might inquire, on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Illinois (Mr. WELLER) has 22 minutes remaining and the gentleman from California (Mr. MATSUI) has 21 minutes remaining.

Mr. WELLER. Mr. Speaker, as I prepare to yield to the gentleman from California, I have a note to my good friend of Michigan, that there are 61,086 married couples. So if we multiply that by two, that is 122,000 taxpayers in the 12th District of Michigan who will pay higher taxes, just because they are married, if we fail to make elimination of the marriage tax penalty permanent.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Speaker, I know the other side of the aisle talks that we have not passed any appropriations bills. The Senate, the other body, has only sent the House two bills. I am very careful, I am not going to bad mouth the Senate. I am just making a fact. They have only sent us two appropriations bills, Defense and MILCON which we are going to act upon.

We have sent them 54 bills that the Senate has not acted upon. Some of those are critical. The marriage penalty is the issue, but some of these bills my colleagues talk about like workmen's comp corporate accountability, the energy bill that is critical for Cali-

fornia, we have seen the brownouts and the blackouts that we had in the State of California.

Look at the home land security bill. I do not think we ought to leave this body in the House until the Senate has acted on homeland security and leave America vulnerable. We should pass that particular bill but let us just say that since the other body has only sent us two bills, and I cannot talk about what the Senate is doing on the floor, let us take any other body out there, anybody, not the Senate, but let us just say that the House has a budget and this other body has not passed a budget.

Let us say that we have acted in a fiscally responsible way, but yet whatever this other body is, it has no budget, on every bill that they just propose that they add \$1 trillion for prescription drugs. They propose that we add \$278 billion more in Labor HHS. They propose that we do all these things, knowing that there is no way that when we come to conference, we can do that without bankrupting the country. Yet that other body wants to beat up on Republicans because they will not do their appropriations bills and play the game of politics for the election.

We are not going to play that game. We are going to pass the bills. We are going to do it responsibly. And we will pass a continuing resolution.

I would tell my friends on the marriage penalty, it is wrong. We should give incentive for people getting married, not penalize them. It is not a tax break for the rich. If a person gets married, I want to tell my colleagues, to start off today in a household, my daughter is getting married this next summer. I can tell my colleagues, her husband is a teacher. She is going to be a librarian. They will not make a whole lot of money, and tax relief for getting married will help my daughter and her husband get along. Needless to say, we are going to have to help them get into that first house, and I think many of my colleagues have children for whom they do the same thing.

So it is not a tax break for the rich. It is just wrong to penalize married couples, and let us make this permanent so that millions of Americans will receive the benefit of the marriage penalty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. While the Chair would congratulate the gentleman from California on being skillful, under our constitutional scheme, the other body he is referring to could only be one other body, and all Members are reminded to avoid characterizations to actions or inactions taken in the Senate.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute just to make an observation to the gentleman from California (Mr. CUNNINGHAM) who I have a deep amount of respect for and is really a wonderful colleague of mine.

I might just point out that he had said his son was getting married in a

few months. My son got married three months ago, but I do not think it makes him feel any better if I tell him that we just passed a resolution to instruct the Senate to take action on a bill that will not take effect until 2011. I do not think that makes him feel he is anymore richer or anymore secure in terms of his economic well-being.

That is what we are talking about: doing something that is irrelevant at a time when in California, I might also point out to the gentleman who just spoke, we have 404,000 Californians that have lost their unemployment benefits; in addition to that, their health insurance benefits. And so unless we take action to extend these unemployment benefits, it is going to be catastrophic to many of these people.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), a member of the House Committee on Ways and Means, a member also of the subcommittee that has jurisdiction over welfare reform.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, this resolution we are going to be spending our time working productively on in this body, but it does give us a chance to talk about the economic program that the Republicans have brought forward, an economic program that has cost this Nation 2 million jobs since March of last year, hardworking people who cannot find employment, people, through no fault of their own, who are now drawing unemployment insurance or who have exhausted their unemployment insurance, people who are trying to maintain their dignity and their mortgage, but instead of addressing their concerns and extending unemployment compensation for the millions of people who have exhausted or will exhaust their unemployment insurance, we are talking about a resolution that has no impact for a long time if it were acted upon by the other body.

Two point seven people seek a job for every job that is open in this country. We do not have enough employment opportunity. We need to have a safety net for those people who are unemployed. Since we debated the resolution last week on this floor, 50,000 more Americans have exhausted their unemployment insurance, and yet this body does nothing to deal with that.

1.5 million Americans are long-term unemployed. 8.1 million Americans are unemployed today. That is as high as it was in March of this year when we acted on an unemployment extended benefit program. The problem is that if we do not act again, the next time we will have a chance to do this will be 5 months from now, and in that 5-month period, 3 million Americans will either lose or exhaust their unemployment insurance.

Mr. Speaker, in 1992, the last recession that we had, this body, the Congress of the United States, enacted 26

weeks of extended benefits on top of the regular unemployment insurance. In this recession, we have done only half as well, 13 weeks. In the last recession, we extended it for 2½ years. We have only done it for 9 months, 9½ months during this recession. It is just not right, Mr. Speaker.

We should be using the time on this floor today to act for the people who need our help today and not on a resolution that has no impact. I think the American people should be outraged that we are not taking the time available to do what is right for this Nation and protect the people who, for no fault of their own, have lost their jobs. We have always done it in the past in a bipartisan way. Democrats and Republicans have come together through every recession in the modern history of this Nation to protect those people who are unemployed, but somehow we do not have time for that in this Congress. Shame on the Republican leadership.

Mr. WELLER. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM) to respond to his colleague's comments, I do want to point out that in the 3rd District of Maryland that there are 66,851 married couples who will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty. That is why we are here today, to talk about elimination of the marriage tax penalty.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all, I tell my colleague, I have got a daughter, not a son, and I have an adopted son, but I am speaking about my daughter.

I would also, when you look at jobs lost in the State of California, Governor Davis frittered away billions of dollars, but now because of energy crisis Buck Knives is moving to Idaho, they save a half a million dollars a month. When my colleague wants to look at loss of jobs and lack of leadership of our governor, take a look at that and how it has affected every job in California.

We have the highest workmen's comp of any of the States in the Nation in the State of California, but if we take a look, a lot of our businesses are leaving because of Gray Davis.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from the State of Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, I am coming to this side of the aisle this morning so my remarks can be heard by my Republican colleagues, especially the gentleman from Illinois (Mr. WELLER).

What are we doing here today? We have before us a resolution which tells the Senate to take up legislation to make the marriage tax repeal permanent. Are they going to get this resolu-

tion and take it up? No, because they are debating homeland security. They are going to start debating the President's resolution to provide a preemptive strike on the country of Iraq, and so they have other things that they are doing. So let us see what we are doing.

We are passing a resolution today to ask the Senate to take up a bill that we passed some time ago. What is not being really told here today is that the repeal of the marriage penalty is already law. The President signed that bill last year, and so we are being told by the gentleman from Illinois (Mr. WELLER) that this family from his District, the Castillos, are going to suffer the loss of this marriage penalty which benefits them some \$1,125 unless we make this repeal permanent.

Mr. Speaker, the problem is that the Castillos have received nothing from repeal of the marriage penalty. The reason is it does not start to phase out until the year 2005. So the Congress, with the gentleman from Illinois' (Mr. WELLER) support repealed the marriage penalty beginning in 2005 and phasing it to total repeal in 2010. Then what they did in 2011, it comes back into being.

The point I am trying to make is he says that the Castillos are going to get \$1,100 and they can do such things as day care for their children.

□ 1130

They can start saving for education for their children, their retirement, or the downpayment on a new home. That is all nonsense. The Castillos in 2002 are going to get zero, in 2003 they are going to get zero, in 2004 they are going to get zero, and in 2005, when we start the phaseout, they will get a total of about \$223. So what we are doing here is sheer and utter nonsense.

If my colleague wants to tell the Senate to take action on this bill or any other bill, he can call his two Senators. The taxpayers gave us a phone in the office. Call them.

So the things we are hearing today are just total nonsense. And why are we doing this debate? Well, because the House does not want to take up the appropriation bills. We have passed five of 13 appropriation bills. The Federal fiscal year started yesterday. Eight bills are sitting there waiting for action, and the Republicans in the House of Representatives want to go on telling the Senators what to do. Well, if I were a Senator, I would call the House and say, Do not tell me what to do; I will tell you what to do: take up the other eight appropriation bills. Or, let us start talking on this floor about the shabby state of the economy.

Thousands of jobs have been lost since this President took over. The market has gone down by some 38 percent, meaning millions of Americans have lost trillions of dollars in their retirement accounts. Unemployment has gone up. Yet what are the Republicans talking about in the House of Representatives? Telling the Senate what

to do. Let us talk about the economy. Let us debate how we are going to get this ship back on course. The administration is not doing it. They are incensed with starting a war with the country of Iraq and every day their arguments keep shifting.

And if in fact we do that ill-fated deed, that will cost \$9 billion a day, adding to the deficit. When this President took over, we had a surplus as far as the eye could see. My colleagues, today we have a \$165 billion deficit, and it is growing.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note that besides the 548,859 married couples in Wisconsin that will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty, the left wing policy gurus for the Democratic party, like Stanley Greenberg, James Carville, Robert Shrum of the Democracy Corps noted in their strategy memo to the Democrats earlier this year that they really need to get behind some of their own initiatives on tax cuts. And making permanent the abolition of the marriage penalty is something that the left wingers even recommend. And I would note that 60 Democrats did vote with us earlier this year to make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), a leader in helping working families.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of House Resolution 543, calling upon Congress to make marriage penalty relief permanent.

I can think of fewer provisions in the Tax Code that are more offensive than the marriage penalty tax. Why we would continue to punish dual-wage earning families in this regard is absolutely obscene. Congress did the right thing in providing significant relief for over 35 million low- and middle-income married couples when it passed the Economic Growth and Tax Relief Reconciliation Act last year.

Unfortunately, the law with it, the marriage penalty relief provisions, will expire in the year 2011. What happens if the law expires? First, the standard deduction for 21 million married couples will be reduced, forcing an increase in their taxes. Second, the 15 percent tax bracket for married couples will be reduced, thus increasing taxes for 20 million married couples. Overall, we will be looking at a \$25 billion tax increase on married couples by 2012.

The time to act is now. Delaying action will, under our scoring rules, only increase the revenue needed to make the current provisions in the Tax Code permanent. This is not a Republican issue or a Democrat issue; it is a families issue. In that regard, I hope we can amass a broad bipartisan vote on this resolution and send a signal to all Americans that we will resolve this issue soon.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

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

Mr. Speaker, in a little over three months, my wife, Libby, and I will celebrate our 34th wedding anniversary. But I recognize that not every family in this country and every individual in this country has been as fortunate as we have. Some have had their marriages cut short by war. Indeed, the very disparity in the Tax Code that is currently called the marriage penalty originated when a World War II widow, who had lost her husband in the defense of our country during the great victory in World War II, came to Congress and said: "I lost my husband. Why should I have to pay higher taxes than those who did not lose their husband and remain married?" She said, "This constitutes discrimination against widows." In response, the Congress tried, though not with great perfection, to correct that penalty.

This is not a debate about the marriage penalty. I have yet to meet a Member of this Congress, in any of the several sessions we have taken up this measure, that has not voted in one form or another to correct the marriage penalty. This is totally about distraction from the ineptness of this Congress.

Now, the specific proposal that the gentleman from Illinois (Mr. WELLER) is advocating is very relevant to our current time. Because, clearly, since Americans will have to do almost all the dying in the war that the Administration wants to start against Saddam Hussein, we will have more war widows in this country. And under the proposal of the gentleman from Illinois, he proposes that those war widows and widowers will have to pay higher taxes than married couples in the same situation.

Additionally, if a woman leaves her husband because she has been battered, she will have to pay higher taxes than a similar woman in the same situation who remains married. If one chooses to be single for whatever reason that individual also will have to pay higher taxes than those in a similar situation who choose to be married.

This is a single person's discrimination act. It does not maintain neutrality without regard to marriage, as it should. That neutrality concept is the one that I favor for our tax code.

There is one aspect of this tax program that has been completely effective, and I think credit is due to the gentleman from Illinois, the Republicans, and the Administration for its effectiveness. If you are an investor and you are getting your third quarter statement about now, you show only losses, no gains. These folks have given you a 100 percent tax cut with this Bush stock market because you do not

have any investment income on which to pay taxes. So that aspect of their program has been very effective in cutting taxes.

If you are one of the more than 2 million people who have lost their job since the beginning of last year, you have no earnings to report. Republicans have provided a 100 percent tax cut for you.

This economy and the whole legislative process related to it, have been very effective in reducing the taxes for some Americans. Unfortunately, because Republicans, through this and related resolutions, focus on what might happen in 2011 instead of what is happening in 2002, this has left many Americans behind; many Americans with empty pockets. So these Americans will not be paying any taxes, but they will not have any income either.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note, in response to my colleague's claims that somehow single people would pay higher taxes under the legislation signed into law last year, that that is absolutely false. The marriage tax elimination legislation actually makes the Tax Code neutral. So that two single people living together or two married people living together, who are all in the workforce, do not pay higher taxes. So whether you are single or married, we make the Tax Code neutral so that married couples do not pay higher taxes just because they are married.

And let us remember that 58,612 married couples suffer the marriage tax penalty. We want to eliminate it personally. We need bipartisan support in both bodies to achieve that.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I urge my colleagues to consider the consequences that the marriage tax penalty holds for married couples and for those considering marriage. The American people are asking why couples should be penalized \$1,400 just for saying "I do."

Those who choose marriage as a way of life to raise their children in America today deserve to be rewarded and not penalized. The marriage tax penalty discourages couples from entering the sacred institution of marriage. Married couples with stay-at-home mothers often have to seek out employment while trying to raise a family just to pay their taxes.

While our recent tax cuts began the process of alleviating the tax burden on married couples, one simple truth remains. The marriage tax penalty will be back in full force by the year 2011, when the scheduled cuts will expire and the penalty will be reinstated.

I urge each of us to consider the negative consequences that await us if the marriage tax penalty is not permanently removed. Let us end this regressive tax once and for all.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from the State of Indiana (Mr.

VISCLOSKY), a member of the House Committee on Appropriations.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman yielding me this time, and if I could ask my colleague from Illinois (Mr. WELLER), my good friend, a question before I begin my remarks, I would appreciate that opportunity.

At the end of most of my colleagues' comments, the gentleman from Illinois has pointed out his assertion as to how many couples, working families, et al would be benefited. I am from the first district in Indiana. I thought perhaps we could begin my discussion with those figures now instead of ending with those.

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

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

Mr. WELLER. What is the gentleman's question again?

Mr. VISCLOSKY. Would the gentleman have an assertion as to how many working families in the First Congressional District he would assert are benefited because of the resolution on the floor today?

Mr. WELLER. If the gentleman will continue to yield, and, of course, I am on the gentleman's time, I would note that the only people who suffer—

Mr. VISCLOSKY. Does the gentleman have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty—

Mr. VISCLOSKY. Do you have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty—

Mr. VISCLOSKY. Well, I will reclaim my time if you do not have a number.

Mr. WELLER. Are those who are working. And there are 54,601 married couples in your district, sir, since you asked—

Mr. VISCLOSKY. Mr. Speaker, I reclaim my time.

Mr. WELLER. Who are working and suffer the marriage tax penalty benefit under this legislation.

Mr. VISCLOSKY. I take my time back, Mr. Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The time has been reclaimed by the gentleman from Indiana. The Chair would appreciate the courtesy of all Members in only speaking when yielded time.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, I also have a statistic. There used to be 6,700 working families in the First Congressional District. They are not going to be benefited by this resolution, and not because of the reasons that the gentleman from California (Mr. MATSUI) stated, that this is meaningless for the next 8 years. It is because they have lost their job since George Bush became President and the 107th Congress began; 6,700 people do not have a paycheck. They do not have to worry about this resolution.

I must tell my colleagues that last week, under similar circumstances, I

suggested I was tired. Today, I am surprised, with the record of the majority over the last 2 years of getting things done. My Republican colleagues have turned a surplus of \$237 billion into a deficit of \$165 billion; they have turned economic growth into a recession.

The Dow Jones Industrial Average was at 10,646 at the beginning of this Congress. Under Republican leadership, yesterday it closed at 7,863. My colleagues have also been able to turn median household income around. It has declined. It has declined from \$43,100 to \$42,200. Maybe they do not quite need as much help.

The resolution today talks about making permanent a tax change. Hopefully, by 2010, these aberrant facts will have changed. But two things have become permanent under my colleagues' leadership. I have people who have permanently lost their jobs in the domestic steel industry, and they are never going back. Many of those people permanently lost their health insurance. They are never getting it back. Many of those people at LTD, who permanently lost their job, permanently lost their health care, permanently, forever, the rest of their lives, lost part of their pension.

We ought to be voting on 4646 to provide people who used to have a job with some real health care protection. That is what we ought to be doing today.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to remind my colleague from Indiana, who is a friend, that there are 606,024 married working couples who suffer the marriage tax penalty and will face higher taxes unless we make permanent our efforts to eliminate the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), who has been a real leader in efforts to help working families.

□ 1145

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate the gentleman on being persistent on this issue over the years.

There are not many issues we agree on in this Chamber, particularly as we come up to an election, but this is one where I think we have a consensus, which is that just by the act of getting married, one should not have to pay higher taxes. Married people should not pay higher taxes than those who might be living together, but not in marriage as individuals. That is the principle behind this legislation.

Because of a Senate procedural quirk, the legislation which passed this House on a bipartisan basis was not able to be permanent. It had to be a 10 year, now because we are 2 years later, 8.5 year piece of legislation so that this marriage penalty relief that this House agrees on on a bipartisan basis expires in 8 short years. If we do not make this permanent, what will happen? It means that \$17 billion will be increased in

terms of taxes in 2011, and there will be a \$25 billion tax increase in 2012 to primarily middle-income married couples who otherwise would benefit from the marriage penalty relief which passed this House.

All we are saying today is let us make this permanent. We heard my colleague talking about the economy, and I could not agree with the gentleman more. We have a serious economic problem that started in the spring of 2000, as any economist knows, during the Clinton administration. The downturn got pretty deep over the next several months, and hopefully we are now coming out of it based on all the economic data. But my colleague was suggesting that because we are in an economic downturn, although hopefully we are coming out of it, that somehow we should not make the marriage tax penalty permanent.

I guess I would ask the gentleman, going back to the philosophical basis here, should people who are married pay significantly more taxes than if they were single living together? The philosophy here is one that there seems to be a consensus on in this House, and the question is should we make this a tax law change, which is to say, we change the code on a permanent basis. Congress can always come back and revisit any of our tax law legislation; or should we have an absurd situation where it is going to be in place for the next 8 years, and then it will suddenly expire and we will go back to previous law where again 36 million low and middle income married couples will end up paying higher taxes to the tune of \$17 billion in 2011, and \$25 billion in the year 2012. That does not seem to make sense.

This resolution, I think, is important just to shine light on this issue. This is one issue that we could resolve on a bipartisan basis. Admittedly, it is unlikely the Senate will act, but it is possible. If the Senate were to act, I think it would be a strong bipartisan vote on the floor of the Senate, and the House would eagerly take up the legislation, get it to the President who would happily sign it and enact it into law. I thank the gentleman for raising it today. I hope this is one issue we can resolve.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a distinguished member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. Time and time again this year, rather than being in a posture to work with the other side of the aisle on issues that really matter, the budget, the economy, Social Security, health care, corporate responsibility, growing unemployment, education, instead of working on those issues, we find ourselves again debating imprudent and ill-timed public policy.

Why imprudent? Well, we were told by President Bush upon his assumption

of office that we would have massive surpluses so we could afford tax cuts which are weighted towards the wealthy. Today we are in deficits just 2 years into this presidency.

Persistent recession, we were told last year this will only last a few months, we will be out of this. But we continue to be mired in recession.

Regarding homeland security needs, 2 years ago when the President assumed office, he could not have expected that we would need to devote so many of our resources to protect the homeland and to deal with terrorist threats abroad.

Education, we have a President who is reneging on his promise to fund education, even under his own bill which he calls the No Child Left Behind Act.

On health care, we all know the stories of seniors having to make decisions between their rent or their prescription drugs. Ill-timed and ill-conceived. The timing could not be worse. We are talking about the possibility of this country engaging in war which will cost tens of billions of dollars. We are talking about an uncertain future for a country that has got a stock market that is plunging. And we talk about Americans who, today and every day, are losing their jobs because we have a government leadership that is not focusing on putting people back to work.

Mr. Speaker, it seems evident that the priorities of my friends on the other side of the aisle, above all else, and at the expense of addressing the growing unemployment in this country, above all else and at the expense of providing money for our schools, above all else and at the expense of dealing with our growing health care crisis, that their priority is to ensure that upper-income Americans are ensured tax cuts a decade from now because this policy does not affect today or tomorrow or the day after. It is a decade from now.

We have got sight of Iraq and Saddam Hussein now, and we are talking about debating, after we should have finished a budget for the Federal Government and we have not, we are talking about doing something 10 years from now for people whom we do not know what circumstances they will be in.

Mr. Speaker, unemployment is increasing. More than 2.5 million people are unemployed today versus when President Bush took office. Two years ago, there was growing job creation. 1.7 million jobs were created 2 years ago. In 2000, 1.7 million jobs were created. In 2 years, we have lost virtually every single one of those jobs.

Poverty is on the rise for the first time in more than 8 years. We have seen the ranks of the poor increase by over 1 million people. Incomes are falling for the first time since 1991. Hundreds of thousands of people are filing for bankruptcy. Almost 800,000 Americans filed for bankruptcy in the first half of the year 2002. Mortgage fore-

closures are at a record high. The Federal budget deficit has increased.

Mr. Speaker, we have work to do, and it is now, today, not in 10 years. It is for all Americans, not just wealthy Americans. Let us move on from here and do the real work of the Congress.

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

Mr. Speaker, I would note to the gentleman who spoke in opposition to eliminating the marriage tax penalty that there are 2,752,159 married working couples in California, and 44,685 married working couples in the 30th Congressional District of California who will face higher taxes unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

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

The statement that we just heard from the gentleman on the other side of the aisle was essentially aimed at one point, and that is because Saddam Hussein is in Iraq, the worry about the economy and so on, we ought to raise taxes on everyone; and we ought to do so on schedule, a little less than 10 years from now.

At once I heard that is so far off from now, why are we worried about it? And on the other hand, if we do not have that tax increase a few years from now, then all hell is going to break loose.

The truth is that 36 million married taxpayers, low and middle income taxpayers, deserve to be treated fairly. Americans should not be taxed more because they are a working woman. When a woman goes to work, her husband goes to work, she ought to be treated the same as every other American. But, we have a penalty right now if married couples work, and they do not pay taxes the same way as two Americans would if they were two men sharing an apartment. They do not pay taxes the same way that they would if they were a man and woman who were not married. It is discrimination, plain and simple, against working families, against working couples. It is wrong. That is why we want to get rid of the marriage tax penalty. It is unfair. It is immoral for the United States to do this.

We did, in fact, pass a law here that has been signed by President Bush to repeal the marriage tax penalty, but in the Senate, which we are now privileged to call it on the House floor, because of their arcane budget rules, they put in this poison pill which had a time bomb that will blow up in 2011 and then hike taxes on 36 million married people. That is wrong. This says let us fix it, and we shall.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds all Members that characterizations of the rules of the Senate or of the Senate are not appropriate.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gen-

tleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means, to close.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, there is an easy way to clear up these budget differences we have today. I propose formally that every letter in this institution submitted to an appropriator be published, requesting the expenditure of the public purse. The most egregious violators of budget discipline here tend to be those who pontificate in the well of the House about spending regularly.

We have talked about the marriage penalty. In light of the fact that President Bush has requested \$48 billion more for defense, \$38 billion more for homeland security, measure that against the fact that the stock market has lost almost 3,000 points in the last year and a half, we have no enthusiasm in this institution, it seems to me, for going after those who have perpetuated the hoax of seizing pension benefits from regular employees at the same time that they would not allow those employees to sell Enron stock. Where is the enthusiasm we have for taking that up today?

Instead, we go over and over the simplicity of the message: Let us cut taxes. Why do we not have the time after we have discussed this marriage penalty bill time and again in this institution, why do we not have time to bring up the Bermuda tax loophole or get a vote on the issue of Bermuda?

These corporations have gone to Bermuda in the time of a war that the Nation is preparing for, for one purpose, to escape taxes. And what is the answer from the other side? The majority leader said that is like going to North Carolina or Florida. I guess they think Bermuda is the 51st State.

I am amazed that we can discuss the marriage penalty relief, anything that says lower taxes to get us through this election cycle, but we cannot talk about Bermuda. The reason that we do not talk about Bermuda on this House floor is very simple: Because 350 Members of this House will vote to do something about it rather than trying to sneak through this election cycle.

These companies leave in the dark of night. Name them. Stanley came to their senses because they finally wanted to help us do things right. We watched this parade out of country, and they preach patriotism to all of us. We deserve a vote on the Bermuda bill in this House, and let us send a message to the American people about fairness and equity in our lives.

□ 1200

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

Mr. Speaker, we have had a lot of interesting arguments on the other side of the aisle. I would note that every one of them tries to distract from the issue that is before us today. The issue

that is before us today is do we permanently eliminate the marriage tax penalty for 42 million married working couples who benefit from the Bush tax cut. Unfortunately because of a rule in the Senate, it had to be temporary.

We have often asked in this House of Representatives whether or not it is right, it is fair, to punish a married working couple where the husband and wife are both in the workforce, that we should punish them with higher taxes just because they are married. In the House this year, we have passed legislation to permanently eliminate the marriage tax penalty. I would note that 271 Members of this House, a bipartisan majority, voted to eliminate the marriage tax penalty. Even those who all spoke against this, I would note, all voted "no" on eliminating the marriage tax penalty, so it is understandable why they would continue to oppose eliminating the marriage tax penalty, that there were still 60 Democrats who joined with us. They saw the merit in making the Tax Code neutral when it comes to marriage, so that a married working couple does not pay \$1,700 more on average just because they are married.

My friends and colleagues on the other side of the aisle say that eliminating the marriage tax penalty somehow just benefits rich people. The average or typical married couple suffering the marriage tax penalty makes 60, \$70,000. They are middle class, they are both in the workforce, on average they have kids, they have a mortgage, and they pay higher taxes just because they are married.

I have an example of a couple here from the district that I represent in the south suburbs of Chicago, Jose and Magdalena Castillo, a typical couple in Joliet, Illinois, who work hard and are raising a family, little Eduardo and Carolina, have hopes and dreams, have a home, want to send their kids on to college. Thanks to the Bush tax cut, they are seeing their marriage tax penalty eliminated. For Jose and Magdalena Castillo, their marriage tax penalty was about \$1,125. My colleagues who have argued against permanently eliminating the marriage tax penalty for Jose and Magdalena Castillo of Joliet, Illinois, are the same ones who have called for repeal of the Bush tax cut, essentially saying, let us pull it out from under the Castillos, let them pay that marriage tax penalty because we need the money here in Washington because we could spend it better here than Jose and Magdalena Castillo can spend it back in Joliet, Illinois.

The marriage tax penalty, \$1,125 for the Castillos, is real money. It is money they can set aside for college for little Eduardo and Carolina. It is money they can use to make several months' worth of car payments or several months' worth of day care. It is real money.

We worked when we passed into law the Bush tax cut, which was signed into law in June of last year to help

every married couple who suffers the marriage tax penalty. We helped them in a number of ways. We doubled the standard deduction for those who do not itemize so that a married couple has a standard deduction twice that when they file jointly compared to a single. That benefits 21 million married working couples. They would see their taxes increased if this fails to be made permanent. For those who do itemize, homeowners, those who give to their church or institutions of faith and charity, their synagogue, to help the itemizers, we widen the 15 percent tax bracket so that those filing jointly, married couples, can earn twice as much in the 15 percent bracket as a single and not pay higher taxes just because they are married. Also, we help poor people, the working poor. Those who utilize the earned income tax credit, 4 million married working couples, low-income working couples who suffer the marriage tax penalty saw their marriage tax penalty eliminated because of the Bush tax cut. Of course, those low-income working couples will pay higher taxes if we fail to make marriage tax penalty elimination permanent.

I noted earlier that we had overwhelming bipartisan support of the effort to eliminate the marriage tax penalty when this bill passed the House. As you know, the Senate has not yet acted. Our hope is that we can work in a bipartisan way and do the right thing and, that is, to permanently eliminate the marriage tax penalty so that no married couple has to look forward to the threat of higher taxes just because some people in Washington would rather spend their money in Washington rather than allowing them to take care of their family's needs.

Mr. Speaker, this really is a vote on do we impose higher taxes on married couples. We have worked to make the marriage tax penalty eliminated. We have worked to make the Tax Code neutral so that a married couple, both in the workforce, pay no more in taxes than an identical couple who happen to be not married who are all in the workforce. That is the right thing to do. We can eliminate the marriage tax penalty.

As I noted earlier in debate, even the left-wing policy guru James Carville has suggested that Democrats probably really ought to get on board and support permanently eliminating the marriage tax penalty because the true beneficiaries of eliminating the marriage tax penalty are the middle-class and low-income families. As I noted here with Jose and Magdalena Castillo, their combined income, they are construction workers, is about \$85,000. There are some on the other side who probably think that Jose and Magdalena are rich because they make \$85,000 a year. In the south suburbs of Chicago, that is a middle-class family. Before the Bush tax cut, they suffered \$1,125 in higher taxes just because they were married. We want to permanently

eliminate and prevent that tax burden from being restored and reimposed on Jose and Magdalena Castillo and the other 42 million married working couples who benefit from the elimination of the marriage tax penalty. That is what this debate is all about.

We have heard so much from the other side of the aisle who want to confuse the debate, who want to change the subject when the issue before us is a basic one, and, that is, it is an issue of fairness. Should a middle-class couple who are both in the workforce pay higher taxes just because they are married? We answered that question last year when we passed as part of the Bush tax cut our legislation to eliminate the marriage tax penalty. Unfortunately because of a rule in the other body, it had to be temporary. It should be an overall bipartisan goal to treat working families fairly. My hope is that more than 60 Democrats will vote with every Republican today to permanently eliminate the marriage tax penalty because that is the vote that is before us. If Members vote "no," they are really voting to raise taxes on 42 million married working couples. They are voting to raise taxes on married working couples such as Jose and Magdalena Castillo.

As I have noted, the House has passed this overwhelmingly. The Senate has not yet acted. Let us vote to ensure that Congress gets it done this year. I ask for a bipartisan "aye" vote.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support permanent repeal of the marriage tax penalty. The unfair marriage tax adversely affects more than 21 million married couples. It forces couples to pay more in income taxes than they would pay if filing individually. It is a tax on marriage and a tax on starting families. If anything, we ought to give newly married working couples a tax break.

Several months ago this House voted to permanently repeal the marriage tax. The House has acted; the Senate has not. In my Texas district, over 65,000 married couples would benefit from the permanent repeal of the marriage tax penalty. The tax code is unfair and ought to be changed.

It is time to say "I do" to relief from the marriage tax penalty.

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

Pursuant to House Resolution 547, the resolution is considered read for amendment and the previous question is ordered on the resolution.

The question is on the resolution.

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

Mr. WELLER. 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. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Resolution 543.

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

There was no objection.

EXPEDITED SPECIAL ELECTIONS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of Thursday, September 26, 2002, I call up the resolution (H. Res. 559) expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 559 is as follows:

H. RES. 559

Whereas the death or disability of hundreds of Members of Congress would deprive millions of Americans of representation in Congress, possibly for a period of months until special elections to fill the vacancies could be conducted;

Whereas such a catastrophe would severely impair the functioning of the House and effectively disrupt the legislative branch for an extended period;

Whereas the only method prescribed by the Constitution to fill a vacant seat in the House of Representatives is through election by the people;

Whereas article I, section 4 of the Constitution of the United States provides that "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.":

Whereas section 26 of the Revised Statutes of the United States (2 U.S.C. 8) provides that "The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.": and

Whereas it is in the interest of each State to ensure that the people maintain their full rights to representation in the House: Now therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion; and

(2) the Clerk of the House shall send a copy of this resolution to the chief executive official of each State.

The SPEAKER pro tempore. Pursuant to the order of the House of Thurs-

day, September 26, 2002, the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) each will control 22½ minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this resolution.

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

There was no objection.

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

Mr. Speaker, in May of this year, the Speaker and minority leader formed the Continuity of Congress Bipartisan Working Group to study government continuity issues. The working group is cochaired by House Policy Committee Chairman CHRISTOPHER COX and Democratic Caucus Chairman MARTIN FROST. I want to thank both gentlemen for their efforts on this very important piece of work, as well as all participants in the working group on both sides of the aisle and the cosponsors of this resolution.

The purpose of the working group is to study ways to ensure that the U.S. House of Representatives continues to function in the event of a terrorist attack or other catastrophe that kills or incapacitates a large number of Members and, when appropriate, to make recommendations to the leadership on ways to resolve these issues. I know we do not really particularly want to talk about the demise of a lot of Members, but it is something that has to be spoken about on the floor in order to continue to have our energetic give and take of public debate in the freest body on planet Earth. That is why we are here.

On September 26, 2002, Chairmen COX and FROST, joined by all members of the working group as well as 98 other Members of the Congress, including Majority Whip TOM DELAY and Minority Leader RICHARD GEPHARDT, introduced this resolution calling upon States to study their existing special election statutes and procedures to ensure that if a large number of Members of Congress were unable to serve as a result of a catastrophic event, the States could quickly elect Members to their congressional delegations through expedited special elections.

The problems the House would encounter in the face of such an attack are unique. In the Senate, Governors would quickly fill vacancies by appointment, but in the House it could take months, perhaps up to half a year, for some States to hold special elections to elect Members to their congressional delegations.

Because article 1, section 4 of the Constitution prescribes that the States

control the times, places and manner of holding elections, this resolution is a critically important step toward getting the States to focus on what would be their critical role in replenishing the Federal legislature by ensuring that special elections are held as quickly as possible.

In conclusion, I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), and all the members of the Committee on House Administration. We have dealt with a series of more than unique issues that have affected the body of this floor and also affected the staff of the U.S. House and the other body in the sense of anthrax, how to deal with issues we never even really thought of before. I want to thank the gentleman from Maryland for the working relationship we have had on that and just say this is another piece and component, I think, to making sure that those who want to hurt us will not infringe upon our democracy.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. COX) control the balance of my time.

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

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, which was developed by the Committee on House Administration and the Bipartisan Working Group on Continuity of Government led by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST). It urges the States to examine their laws regarding the conduct of special elections to the House.

The purpose of the resolution as has been said, is to ensure that in the event of a catastrophe, the States will conduct special elections as expeditiously as possible. The two cochairmen of the bipartisan working group, the gentleman from California and the gentleman from Texas, introduced the measure currently before us. H. Res. 559 was referred to the committee which has jurisdiction over congressional elections, the Committee on House Administration.

Mr. Speaker, article 1, section 2 of the Constitution provides: "The House of Representatives shall be composed of Members chosen every second year by people of the several States."

That is, of course, the only way to become a Member of this body. That requirement of popular election may be unusual in a legislative body, because most legislatures can have appointed Members, at least for a time.

A variety of distinguished former Members of the House and scholarly observers of the Congress have proposed other ideas, ranging from filling vacancies through gubernatorial appointment to choosing replacement

Members from lists submitted in advance by sitting Members. Without discussing the merits of either of these ideas, it suffices to say that they are clearly unconstitutional.

□ 1215

It would require a constitutional amendment to fill a House seat in any manner other than by direct election. The resolution before us today is intended to facilitate the use of the existing constitutional framework. We must make the special election process work better, and work faster.

H. Res. 559 would request the States to re-examine their laws governing the conduct of special elections to the House. It does not require them to do so. It does not force them to change their laws, but it is intended to remind them of the potential disadvantages of their failure to do so—the loss of representation in the House for an extended period of time in the event of a future national catastrophe.

Special elections to the House are normally conducted pursuant to provisions of State law and regulations. We have not made uniform statutory requirements for special elections, preferring to leave it to the States to choose methods which reflect their unique politics and culture. One size does not necessarily fit all.

However, the preamble of H. Res. 559 notes the ultimate constitutional authority of the Congress over the conduct of all congressional elections. The provisions of article 1, section 4 state that “. . . the Congress may at any time by law make or alter such regulations.”

Congress does have the power to pass a national statute governing the conduct of special elections. Such a statute would not be easy to draft, however, and might be opposed by States which prefer to use their own approaches. We would like to avoid this option, if possible, but it remains on the table.

Congress also has the power to pass and send to the States for ratification a constitutional amendment providing for some different method of filling vacancies. The problem with this approach is that it is extremely difficult and time-consuming and could take years, and there is no consensus on which method of filling vacancies to use in any such amendment.

While special elections are conducted by States, this is clearly a national problem and challenge. If enough States fail to elect new Representatives quickly, the House might find itself controlled for a time by a much smaller group of Members, unrepresentative perhaps geographically or ideologically of the American people.

The disruption to the legitimacy of the Congress and to the political and legislative process would be extraordinary.

The average time for the filling of a vacant House seat in the event of a Member's death, according to the Com-

mission on Continuity in Government of the Brookings Institution and the American Enterprise Institute, is approximately 125 days. In my own case, having been elected to the House in a special election in 1981, it was 89 days. In some States the process of replacing a deceased or resigned Member can take as long as 6 months.

In the event of a catastrophe resulting in the deaths of many Members of House, it will be essential to replenish this body as soon as practicable to ensure that the House remains a body representative of, and responsive to, the American people. We simply cannot wait for States to react using existing laws which have not been seriously examined in decades, and which, of course, were never intended to be used in a time of emergency. The result of such laws will be that some States will remain unrepresented as the House, the Senate, the President, and the country take necessary actions to respond to, and to move beyond, such a future crisis.

So, Mr. Speaker, it is clearly in the interest of the States to ensure their full and continued representation as quickly as possible, just as it is in the interest of the House to move as quickly as possible back to a full complement of Members deliberating once again with the broadest possible range of views.

I believe that it would be appropriate for the committee with jurisdiction over congressional elections, the House Administration Committee, to hold hearings on this subject during the next Congress.

We can then evaluate any actions taken by the States in response to the 9/11 crisis, and to this resolution, and get a broader picture of the actual mechanics involved in conducting such elections.

We need to remind ourselves that, in the event special elections occur in large numbers, whether under current laws or new ones, that they may not be occurring under ideal circumstances at some future time.

There may be problems printing the ballots, setting up the polls, or completing many other steps incident to the proper conduct of an election which are complicated enough during normal times, as we have seen yet again recently in the state of Florida.

Mr. Speaker, this resolution sounds an alarm to the States that they have a pivotal role to play in ensuring the stability of our constitutional system. I urge all Members to support it, and all States to respond favorably to it.

I congratulate the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership on this issue. I believe that the States will be responsive and will come up with ideas that hopefully will accomplish the objective of ensuring that in the event of a catastrophe we can replace Members of the House lost in such a catastrophe so that the people's business can be done in this, the people's House.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Texas (Mr.

FROST) may control the remainder of the time allotted to me, and that he may yield time.

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

There was no objection.

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

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

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, because as I turned around, I saw the gentleman from Washington State (Mr. BAIRD), and it was an oversight that I did not mention his extraordinary leadership in bringing this matter to not only the attention of all the Members and pressing for attention on this matter, but also to the country. And I want to congratulate the gentleman from Washington (Mr. BAIRD) for his singular focus on this critical issue.

Mr. COX. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for raising the point, because it is a good one. I want to thank the gentleman from Washington (Mr. BAIRD) for his foresight and quick action on this problem as well.

It is appropriate at the outset of this discussion to explain to our colleagues why our thanks are in order for the hard work that is being done, because the hard work is being done behind closed doors for good reason. This is a grizzly topic, number one. Nobody likes to think about the destruction of the Capitol and the loss of hundreds of Members of Congress, Senators and Representatives, in some horrible catastrophe. Second, the work is very detailed, involved, legalistic and consequential. So a good job has to be done, a careful job has to be done, a thoughtful job has to be done, but there is not much profit in laying it out before the House every day.

We are necessarily here on the floor today because we are going to ask in the most formal way that we possess, through a resolution of this body, the cooperation of the States in this effort. We are made up of elected Representatives from States whose election laws interweave with our own Federal rules for eligibility and service in the United States House of Representatives. Some of the rules and procedures are House rules and are Federal rules. Some of them are State rules. In particular, the rules governing elections within the several States under our constitutional system are State rules.

The resolution we are bringing forward today respects that aspect of our federalism, but urgently asks every Governor and every State legislator to examine their election laws and amend them with a view toward solving a very serious problem that we have in the House, and that is if many Members are killed, there is no quick way to reconstitute the Congress of the United

States. A special election is required. Only election under our Constitution is prescribed as the means of filling a vacancy, and as a result, where the Senate can have its Members appointed by Governors, replacement Members, and be reconstituted, there would be no House, no functioning House, perhaps no majority, no quorum and thus no Senate, because we are a bicameral body, and they could produce no legislation on their own, thus no legislative branch in time of urgent crisis by definition in the United States.

When after an attack on our Nation, the Commander in Chief, whoever that might be, because the attack might kill simultaneously the President, Vice President, Secretary of State perhaps, as well as the Speaker of the House, who is third in line, we do not even know who the President would be in that circumstance. So the operation of our legislative check and balance against executive power would be of vital importance. We might lack it. And something as workaday and ordinary and mechanical in procedure, therefore, as the State election laws becomes of vital importance, and we are asking in this resolution for the States to address that problem.

This is one and only one of several issues that have arisen as a result of a study by the working group established by the Speaker of House, the gentleman from Illinois (Mr. HASTERT); and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, the minority leader. Both Speaker HASTERT and the gentleman from Missouri (Mr. GEPHARDT) have shown extraordinary leadership by putting together a high-level leadership task force that has as its contributors not only the chairman and the ranking member of the House Committee on Rules, the gentleman from Texas (Mr. FROST), who is also the chairman of the Democratic Caucus, my cochairman of this working group; but also, as we have seen, the chairman and ranking member of the Committee on House Administration, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), who were just here on the floor; and also the chairman and ranking member of the House Committee on the Judiciary and the Subcommittee on the Constitution, which is very involved in these issues.

The members of the working group include, besides myself and the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. DREIER); the gentleman from Ohio (Mr. CHABOT), who is the subcommittee chairman on the Committee on the Judiciary responsible for the Constitution; the gentleman from New York (Mr. NADLER), the ranking member on that subcommittee; the gentleman from Ohio (Mr. NEY); and the gentleman from Maryland (Mr. HOYER); the gentleman from Washington (Mr. BAIRD), to whom we just referred for his efforts; the gentleman from Louisiana (Mr. VITTER), who is the chair-

man of the policy subcommittee on reform; the gentlewoman from Texas (Ms. JACKSON-LEE); and the gentleman from Rhode Island (Mr. LANGEVIN).

Throughout several months and nearly a score of meetings, we have covered the waterfront on these issues.

I will return to further discussion on the specifics of this resolution, but I have several speakers on our side who wish to be recognized.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I thank my friend from California (Mr. COX) for yielding me this time, and I congratulate him and the gentleman from Texas and others who bring this very important bill forward.

Ours is the oldest written Constitution in the world. The Founding Fathers with great wisdom crafted a government of enduring stability, with the flexibility to survive the shocks and strains of 226 years. It would have been impossible for them to foresee the events of last September with passenger jets full of fuel smashing into skyscrapers. It was simply impossible in their day for so much to be destroyed by so few so quickly. And so the prospect of a large number of seats in the House of Representatives becoming simultaneously vacant was probably not one they entertained.

And yet in their wisdom the Founders provided us with all we need to confront such a possibility. Article 1, section 4 of the Constitution gives the States the power to govern the times, place, and manner of holding elections for the House. This recognizes the appropriateness of the people deciding through their State governments how best to choose the representatives in this House. However, the Constitution also allows Congress at any time by law to make or alter such regulations except as to the place of choosing Senators. This recognizes the right of Congress to ensure that the States live up to their responsibility to ensure that their citizens are represented in the Federal Government.

This resolution is in perfect keeping with the Constitution and the Founders' intent. It preserves the rights of the States to determine their own interests in determining procedures for electing representatives. It also reminds the States that this House will continue to take an interest in ensuring that these procedures are sufficient to ensure the survival of this body and the welfare of our Republic in the event of a major attack on the Capitol.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

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

Mr. Speaker, I rise in support of this resolution sponsored by my friends and colleagues, the gentleman from Cali-

ornia (Mr. COX) and the gentleman from Texas (Mr. FROST) which expresses a sense of the U.S. House of Representatives that all 50 States should examine their laws governing special elections to fill vacancies in the House with an eye toward developing expedited procedures for such elections in the case of such a catastrophe.

Mr. Speaker, the United States of America learned many lessons about need for enhanced homeland security from the tragic events of September 11, 2001. Given that it is widely believed that the United Airlines Flight 93 was headed for the U.S. Capitol that Tuesday morning, we can only imagine the damage that would have been done to the legislative branch of our Federal Government but for the truly remarkable bravery of Flight 93's passengers.

Their heroic actions have, however, given us a chance to make contingency plans for the future. In the case of another attempt to disrupt or destroy our democratic system of government, we should be prepared, and that is why a prompt and overwhelming passage of H. Res. 559 is so important today. The U.S. House of Representatives is urging the States to take whatever steps they deem appropriate to modify, change, or update their laws governing special elections to fill vacancies in the House such that a catastrophic event would not unduly hinder the ability of the U.S. Congress to conduct its business in the future.

I am pleased to serve as the Chairman of the Subcommittee on Technology and the House of the Committee on Rules. Among the matters under my subcommittee's jurisdiction are the rules of the House.

□ 1230

As has been noted by some, the House rules do not speak to how this institution would conduct its business in the event of a catastrophic disaster, and that is an issue that I fully expect we will explore in the 108th Congress next year.

In the meantime, I know that my colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), are currently chairing a commission of distinguished individuals, including former House Speakers Gingrich and Foley, who are looking into this matter in greater detail with the hope of bringing forward other recommendations for how best to deal with the myriad of questions involving ensuring the continuity of Congress. In this respect, I look forward to working closely with the Cox-Frost Commission and other Members of the House on both sides of the aisle in the next congressional session. Nothing less than the future stability of the U.S. Congress, the Federal Government's legislative branch, and the rule of law are at stake.

Mr. Speaker, in closing, I urge my colleagues to support this bill.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume. I think it

is important to add to the list of people whom it is necessary to thank for their efforts on this thus far: the Parliamentarian and his office and his staff, Charles Johnson, who has contributed extraordinary expertise and hard work on this initiative; also, the American Enterprise Institute and the Brookings Institution who, in addition to their scholarly studies on these subjects, have convened a commission on the continuity of government, which has been an extraordinary resource to this Congress.

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

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

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

Mr. FROST. Mr. Speaker, over the past several months, Democrats and Republicans on the Bipartisan Working Group on the Continuity of Congress have worked together to think the unthinkable: to consider how Congress would function in the aftermath of a terrorist attack.

This is not an idle question, Mr. Speaker.

September 11 made clear once and for all just how vulnerable the U.S. Congress is to such an attack. For the past year, many of us in Washington have believed that if not for the courage of the passengers of United Flight 93, the fourth hijacked plane may well have hit the U.S. Capitol. Well, just weeks ago, our suspicions may have been confirmed by an al-Jazeera interview with the man suspected to be the twentieth September 11 hijacker, who said that Flight 93 was indeed headed for the Capitol, code-named "The Faculty of Law."

Obviously, Mr. Speaker, if Flight 93 had reached the Capitol on September 11, countless lives would have been lost. Additionally, the legislative branch of the United States Congress would have been crippled.

This is a very dangerous possibility, Mr. Speaker; and I am glad the Committee on House Administration, the Capitol Police, and others have worked so hard since September 11 to increase the security of all of the staff and Members who work here in the Capitol complex.

But the Congress is the branch of government closest to the people; and all of us, I believe, want it to remain as open as possible. For that reason, the Congress will always be somewhat vulnerable to those who might wish to strike at the United States through the Capitol, the symbol and the seat of our democracy.

That means that we have to prepare for what used to be unthinkable and we have to answer the question, How would the House function in the aftermath of such an attack?

Personally, Mr. Speaker, I believe that it would be critical for the American public to have secure representation in Congress in a time of national

emergency. But this is a weighty matter, one that gets to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the aftermath of a catastrophe. On the other hand, we all understand the importance of preserving the unique function of the House of Representatives that it has served in the American system of government for more than 200 years.

This bipartisan working group was formed to study the very important, very complicated, and very difficult series of questions raised by this situation.

We have benefited, and are still enjoying, the tremendous expertise of all of the members who have participated. We have received tremendous assistance from the committees of jurisdiction and their staff; and as the gentleman from California (Chairman Cox) mentioned, I want to personally recognize the Parliamentarian, Charlie Johnson, as well as his staff. After serving on the House Committee on Rules for more than 20 years, I have known for a long time what fine professionals they are.

This process could have never started without the support of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader. Most importantly, Mr. Speaker, I want to recognize my colleagues on the working group, the gentleman from California (Mr. DREIER), the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. CHABOT), as well as the gentleman from Maryland (Mr. HOYER) and the gentleman from New York (Mr. NADLER), and the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Washington (Mr. BAIRD), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Louisiana (Mr. VITTER). Of course, the gentleman from California (Mr. COX) and his staff have been a pleasure to work with on this project.

Mr. Speaker, the working group is examining proposed changes to the House Rules regarding quorum requirements and succession of House officers, amendments to the Presidential Succession Act of 1947, and constitutional amendments. But our primary goal has been to examine the law to ensure that Congress can function in the event of an attack or a catastrophe.

That is what House Resolution 559 addresses today. It encourages the States to examine their existing statutes, practices, and procedures governing special elections; and it urges Governors and State representatives to amend their election laws so that in the event of a catastrophe, vacancies in the House of Representatives could be filled in a timely fashion.

As we can see, Mr. Speaker, this is an ongoing process, and the resolution on the floor today does not solve all of the problems we face; but it takes a sen-

sible, bipartisan step toward addressing one of them. So I urge my colleagues to join the bipartisan working group and passing it overwhelmingly.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the Member of the House who really first raised this issue.

Mr. BAIRD. Mr. Speaker, I thank my good friend and colleague, and I want to thank also the gentleman from California (Mr. COX) for his outstanding leadership. In the time I have been privileged to serve here, I have never had such great satisfaction from working with a group of talented, bright, dedicated individuals. The Parliamentarian, the staff of the Committee on the Judiciary have been outstanding. Hopefully, we will never need this legislation; but if it is ever needed, it may be one of the most important things we will ever do in our lifetime and during our service to this Congress.

This is a start. This is an effort to say to the States that you too need to think about what we have come to have to face on a daily basis, almost: the prospect that some terrorist organization could strike suddenly, without warning, and eliminate this body that we hold so dear; and we must have preparations to replace us in the event that that should happen.

I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN), as well as the gentleman from Louisiana (Mr. VITTER) and the gentleman from Arkansas (Mr. SNYDER), for their valuable and invaluable contributions to this process.

Mr. Speaker, this is the start in working with the States to make sure that they have a mechanism for replacing us if the time arises, but we also have other tasks before us. We are addressing some ambiguities in the Presidential succession law that are important to close certain ambiguities there. We are looking at the House rules, particularly what would constitute a quorum and how this body would reconvene in the event of a catastrophe. We are also looking at mechanisms for possibly replacing Members in the short term, pending the outcome of special elections. Every one of us in this body holds very dear and proud the tradition of direct elections, but we also hold dear and proud to the principle of election and representation by our States in this great body, and the principle of checks and balances on the executive. So we are working on a host of fronts.

A year or so ago, my father passed away. Before he died, he sat my sister and brother and I down and walked through all of his files. He said, Son and daughter, when I die, this is what you need to know about, how to carry on the finances, how to deal with my estate, et cetera. Because of his forethought, his death, regardless of how tremendously painful it was, was nevertheless handled in a manner that allowed us to go on, taking care of his affairs responsibly and in an efficient manner.

We owe it to this Nation to show no less forethought. We owe it to this Nation to make sure that if something horrific happens to us, the business of this great Republic will carry on, uninterrupted, unimpeded. We need to tell our adversaries that even if they destroy us and kill every one of us, others will rise up, carry that torch of liberty forward, and the Republic will stand and will persevere.

Mr. Speaker, I thank again the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

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

Mr. LANGEVIN. Mr. Speaker, as a member of the Cox-Frost Continuity of Congress Working Group and an original cosponsor of this legislation, I strongly urge my colleagues to support House Resolution 559 to address problems with our method of filling vacancies in the House of Representatives.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably, reports that the Capitol was a targeted Capitol on September 11, reminds us that mass casualties in Washington or elsewhere could have a detrimental effect on the representative nature of the House and its ability to fulfill its duties. As a former Secretary of State, I know that States have vastly different methods and time lines for filling vacant House seats, which could pose a serious problem in the event of a catastrophe. For example, Rhode Island general laws state simply: "The Governor shall immediately issue a writ of election ordering a new election as early as possible." Today's resolution would address such problems by encouraging States to review their special elections procedures to fill House vacancies as expeditiously as possible.

This resolution is the first recommendation of the Continuity of Congress Working Group, which has been tackling the complicated issues of how government would function in the wake of a catastrophe. I would like to thank my good friend and colleague, the gentleman from Washington (Mr. BAIRD), who has helped raise the profile and understanding of these complex problems while leading the effort to find solutions. I also commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for devoting so much of their time and effort to this topic and making it a priority for Congress.

Another area I feel worthy of discussion is the ability of Congress to communicate and possibly even conduct legislative operations remotely in the event of a major disruption. The Com-

mittee on House Administration has held hearings on the feasibility of establishing an e-Congress for emergency situations, and I have introduced legislation to study this matter. At this time I would like to commend and recognize the efforts of the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. NEY), and also my colleague, the ranking member, the gentleman from Maryland (Mr. HOYER), for their outstanding efforts and leadership on this issue.

While several of my colleagues have expressed discomfort with this and other related topics, it is our duty to prepare the legislative branch for any kind of disaster. We must never allow the people's business to be interrupted.

Today's resolution is an important first step in addressing complex questions about our government's ability to function in the age of terrorism, and I encourage my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I heard a commentator make the statement that somehow Congress is dragging their feet on these issues because we cannot face the possibility of our own demise. I do not agree with that statement at all. I think that Members of Congress are very much aware of the potential risks and threats out there, but that it is a complicated topic. One of the complications is that we work in a Federal system with both State responsibilities and Federal responsibilities.

To me, the number one issue is how in all of this do we protect the essence of democracy; and to me, the essence of democracy is the right of a free people to be governed, to be governed by those whom they elect and have the right to vote on. We summarize that by calling this "The People's House," and I do not think in any way should we be supportive of any kind of constitutional amendment that would turn the people's House into the "Appointed's House." That would be a very tragic outcome to September 11.

The Federal issue here is that elections are State responsibilities, and we know that there is a tremendous amount of variety from State to State and also that there is too much time in an emergency situation in some, in a lot, of the State laws. Patsy Mink has been referred to, our colleague who tragically passed away over the weekend; and it is my understanding that it may take three special elections to finally replace her. Also, Oregon does their elections by mail, and every State deals with the issue of absentee ballots overseas and locally differently. There is a lot of complexity to this.

Our message to the States today is please look at your election laws and figure out a way that you can be responsive should this terrible tragedy occur.

To me, there are two scenarios that States ought to look at. The first one

is what has been talked about today by the gentleman from California (Mr. COX) and others: What if we had a massive loss of life of Members of the U.S. House here? That is what has driven this issue. But there also is a second issue that States ought to look at. In Arkansas, we have four House Members and two Senators, and it is not uncommon for us to be all in the same place or on the same plane. States ought to look at what should happen if an individual State lost its entire congressional delegation, should that trigger some kind of expedited special elections process. These are not easy questions; they are complicated questions. But they fall under the area of State responsibility, and the resolution today is sending a message to the States that we will be glad to work with you and hope that you will work on these very important issues of expediting special elections at a time of massive loss of life in the U.S. House.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. VITTER), the chairman of the Subcommittee on Policy and Election Reform.

□ 1245

Mr. VITTER. Mr. Speaker, as a Member of the Working Group on Continuity of Congress, I rise in strong support of this resolution. As has been said, it is a simple, straightforward, bipartisan, but very important measure to urge all of the States, with the utmost seriousness and focus, to look at their election laws and ensure that special elections would happen as expeditiously as possible, particularly in the event of a disaster that killed many House Members at once.

Of course, this resolution today highlights one of the many issues that our working group has been focused on, and, in fact, the central one, which is how do we replenish the House of Representatives quickly in such a horrible catastrophe.

As has been said, the U.S. Constitution is very clear: House vacancies can only be filled, under the present constitutional terms, by an election. Sometimes, as has also been said, in different States where State law applies, that can take a very long time, maybe up to 6 months; so we want all of the State legislatures, all of the Governors, to look at their State law very clearly, in a very focused way, and move as quickly as possible to make sure their State law makes that happen as quickly as possible, particularly in the event of mass deaths.

In considering this, I ask all of my colleagues and, in fact, all of the State legislators and Governors around the country to think of all of the work we had to do, and I believe we did do, after September 11: The Committee on the Judiciary moved to protect us here and abroad; the Committee on Appropriations addressed critical emergency funding; the Committee on Armed Services examined our military response.

All of that was actually done in a matter of just a couple of weeks beginning with September 11. Nearly every House committee did significant work on the war that was at its infancy planning stage then, or homeland security, or related issues.

If we also remember Flight 93 downed in Pennsylvania, brought about by brave passengers, all of that work may have only been possible because of their bravery and the luxury we were afforded by not having an attack on the Capitol.

Of course, all of us hope there is never a next time. All of us pray that there will not be a next time. But if there is, we may not be so lucky; so all of that work we did in the very few weeks after September 11, and the specter of Flight 93, makes it clear why we need to think about this issue, and why State legislatures need to act to make sure that the House is replenished as quickly as possible.

In closing, I want to say that this is a very important step, but I hope it is a first step, because our working group is thinking about other key issues, quorum issues, incapacity issues, that can be dealt with under rules. These issues are very significant, which I believe can be addressed under our House rules. There are Presidential succession issues, which are significant and related to this, which could clearly be addressed under statute.

And, yes, although it would be very difficult politically, I also think we need to debate and think carefully about proposed constitutional amendments.

So I think this is a very important, very responsible step, but I am hopeful it will be a first step. I know the working group is continuing its work in a very focused, careful way.

I want to particularly thank the chairman of that, the gentleman from California (Mr. COX), and also the co-chairman, the gentleman from Texas (Mr. FROST), for all of their work; the other Members of the working group; the House Parliamentarians; the CRS researchers; other staff who have given us invaluable information in our deliberations.

Mr. Speaker, I strongly urge all of our colleagues to vote for this resolution.

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

Mr. Speaker, the gentleman from Louisiana makes a fine point in commending the Congressional Research Service, and I was remiss in not mentioning this earlier. Walter Oleszek and others from CRS have been an enormous and very, very professional resource for us in our work.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I neglected to mention two people who were tremendously helpful: the Pierce County

auditor Cathy Pearsall-Stipek, and the Cowlitz County auditor Chris Swanstron. These folks helped us understand that even in optimal circumstances, a special election would probably take at least 60 days, or more like 90.

In Washington State, for example, we mail our ballots out 3 weeks before the election. If we are going to get an election done in 2 months, we have essentially got about a week to run for office, and then the ballots would have to be printed, distributed, counted, there would be one more week to run for office after the primary, and then we would have to have the special election.

I want to follow up on something my colleague, the gentleman from Louisiana, said. He has offered such great, thoughtful insights to this. This is a first step, but we need to make sure, I believe, that there is a mechanism for quick replacement in some fashion to occupy the position in the House of Representatives and get the body's work done in the interim while these special elections are conducted. We simply cannot say that there will be no House of Representatives for the period of 60 days or more while special elections take place.

Declarations of war, appropriations of funds, approval of Vice-Presidential nominees, election of the Speaker of the House and a host of other tasks must be accomplished, and we must have the representation of the States in that process, and we must have the constitutional checks and balances which are so critical.

In a time of catastrophe, it is indeed, I believe, likely that the Presidential position would be occupied by a Cabinet member who was never elected; which is fine, that is under the Succession Act, and we accept that; but for an unelected Cabinet member to serve as the President of the United States with no checks and balances by the legislative branch as represented through the House of Representatives I believe imperils a fundamental principle of the Constitution.

So while I absolutely and unequivocally urge strong sponsoring of this legislation and recognize its importance, it is indeed a first step, and we must move forward, as the working group will do, and as I hope and trust all my colleagues will do, to consider further mechanisms to make sure this great body and the Constitution it represents will continue to function.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

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

I want to commend my colleagues, particularly the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. FROST), for their leadership on this very important

issue. I strongly urge all of my colleagues to support House Resolution 559.

In the event of an emergency that leaves large numbers of seats of the House vacant, the House of Representatives will have lost much of its representative character. There are, however, statutory solutions to this problem. The Constitution leaves it to the States in the first instance to enact such solutions.

Article 1, section 1, clause 1 of the United States Constitution states that: "The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations. . . ."

While Congress has the constitutional authority to make or alter State special election laws, Congress extends great deference to State solutions to the problem of vacant House seats in times of emergency. This congressional deference to State action is codified in 2 U.S.C. Section 8, which provides that "The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively."

Article 1, section 2, clause 4 of the Constitution further provides that "When vacancies happen in the Representation from any State, the Executive Authority thereof (the Governor) shall issue Writs of Election to fill such vacancies," and such elections will be held in accordance with the State law, absent congressional action otherwise.

This resolution constitutes congressional due diligence by putting the States on formal notice that it is within their constitutional power, and also their constitutional duty, to revise State laws to allow for the conducting of expedited special elections in cases of emergency in which the seats of district representation are suddenly left vacant, and constituents are suddenly left without a voice in the House of Representatives.

The uninterrupted House tradition is that only duly elected representatives should have the final say in legislation passed by the House. This resolution expresses Congress's strong support for States' efforts to strengthen that tradition by providing for the filling of vacant House seats quickly, fairly, and efficiently in emergency circumstances.

I urge strong bipartisan passage of this common-sense resolution.

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

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

Mr. Speaker, what we have heard thus far this afternoon should be very sobering to all of us. We are asking the States in this resolution to join in a thorough examination of their role, what they can do to help us with these problems.

But the problems are manifold. It is not simply a question of solving the special election problem, it is not simply a question of solving the Presidential succession problem; we have other equally serious problems, and, in combination, they multiply into virtual paralysis of our government at a time when we would need our government to be functioning at its peak efficiency: a time of crisis.

Mr. Speaker, we are here, of course, because of September 11. In working with my colleagues and our expert staff in this working group over several months, we have all been heartened to draw upon such a long and rich tradition in our Congress, in our democracy. There is barely a question that can come before us about the governance of this House or about the election of Members or about the relationship of the States to the Federal Government that has not been considered in other contexts; so we are not without precedent, far from it.

Yet there is something unprecedented to what we are doing here. Were it not for September 11, I do not think any of us doubts we would not be here today, because on September 11 we were forced to confront a different kind of danger, qualitatively different, and we hope not quantitatively different than what we have seen thus far: a disastrous, horrible, apocalyptic future in which the unthinkable becomes reality.

None of us here wishes that ever to occur. We are taking every national security step elsewhere, separate from this measure, to stave that off, to avoid it, to make our world and the rest of the world safe. But if these things happen, if loose nukes become a threat to our domestic security, if chemical warfare or the spread of biological toxins become our future, and if these attacks are directed against the Capitol, then we simply have to imagine that contingency. So that is what the gentleman from Texas (Chairman FROST) and I and our working group have been focused upon.

The fact that, according to al-Jazeera Television, we now know that Flight 93 was directed towards the United States Capitol makes this all too real. Had Flight 93 hit the Capitol, many Members of Congress, we do not know how many, would have been killed. Had a joint session been attacked, the worst case, we can imagine not only a heavy toll, a nearly complete toll among Members of the House and Senate, but also the executive branch, including the President and the Vice President.

The remaining Members of the House of Representatives would have had to try to muster a quorum. If none of

them objected on the ground that a quorum was not present, then even 10 Members could have kept the House going. If, on the other hand, someone objected, then there would have to be somehow a quorum.

□ 1300

And a quorum of 435 Members being 218, if more Members than that were killed or injured and unable to function in the attack, then Congress itself would be unable to function and unable to get a quorum. We are working in this working group on rules changes to address this, but ultimately we have got to have Members of Congress back in this body, real live Members. Because even if we can, through changing the rules or through unanimous consent of those remaining 10 Members, get those 10 Members to function as the House of Representatives, who would not question the legitimacy of Congress in those circumstances? Indeed, there might be court challenges.

If the President of the United States, no longer the President that we elected but some replacement under the Presidential Succession Act is now acting in the teeth of an attack on our Nation so severe that the Congress itself has been wasted in that attack, is that not the time when the legislative branch should be operating in full force as a check against excess of executive power because the Nation itself would be tempted at that point to all manner of revenge, some of it perhaps not cool-headed, not wise, not in our national security interest? The checks and balances system itself would not be functioning.

As has been mentioned several times, because of the historical evolution of United States Senate from an appointed body originally in the Constitution, members were not elected in the Senate, and then subsequently by Constitutional amendment, we got direct election of Senators. Still a vestige of that earlier appointment regime is that vacancies in the Senate are filled even in the 21st century by appointment, not so for the House. We have got to have the cooperation of the States to at least speed up special elections so that the time during which Congress cannot function is not needlessly protracted.

This resolution, as has been mentioned, is serious. It is also very short and to the point. It has only one purpose and that is to provoke action in the State legislatures. The resolution is an important first step, as my colleague, the gentleman from Washington (Mr. BAIRD), has described it, toward focusing the attention of the States on what is their critical role in replenishing the Federal legislature by ensuring that special elections are held as expeditiously as possible.

Article one, section four of the Constitution, with which many Americans became familiar during our last electoral crisis, if we can call it that, sets forth the authority of the States to de-

termine the time, places and manner for holding elections for Congress. This creates a symbiotic relationship between the States, who the founders believed and who we still believe today were the sovereigns in their own right; a symbiotic relationship between the States, on the one hand, and the Republic in total, on the other hand, ultimately supreme over the States in all matters encompassed by the Constitution. That is the supremacy clause. And, of course, Congress as the institution representing that sovereignty, that Federal sovereignty, must remain strong and invulnerable.

Our strength is drawn from every Member representing every State in the Union. This is something about which all of the Members of our working group agree. Some are focused on a constitutional amendment to try and ensure that we can get Members back here from the States. Others are focused on the absolute necessity of ensuring that the device for returning Members from the States is some form of election. But at essence, the very important thing is we have Members back here and we not have a distinct minority abnormally representing only portions of the country and disproportionately representing certain interests against other interests, defiling the whole basis of our governance by the people.

Our strength is drawn from every Member representing every State in the Union who daily appears in this Chamber to conduct America's business on behalf of each of our States and each of our constituents.

Our vulnerability is a result of the independence that each of our States has in deciding how and when it will hold elections. So quite simply, as an institution, we are designed as an instrument of the people of each State and ultimately they, not us, control our fate.

The proper place, of course, to discuss this and debate it is on the floor of House; but the proper place to solve this problem is in the legislatures of the various States.

This is, as my colleague, the gentleman from Arkansas (Mr. SNYDER), said a moment ago, the people's House. And it is my opinion it is totally appropriate for the people working through their respective States to decide how best to populate this House with their representatives.

The founders in their profound wisdom in perhaps glimpsing into the future, as they seem to have done so many times, did not leave us without recourse. Where the first clause of the first paragraph of article one, section four gives the States the power to govern every aspect of electing their Federal representatives, there is a second clause. If Congress so decides, Congress has the ultimate authority to take that power away from the States. The second clause in article one, section four reads as follows: The Congress may at any time by law make or alter

such regulations, that is the regulations of the States, except as to the places of choosing Senators.

So this Congress could, as any Congress before it could have, preempt every State election law, every State election law in the country governing the election of Representatives either in times of catastrophe or any other time for that matter. But of course just because we have the power to do these things does not mean we should exercise this power, and in this resolution we have chosen a different course. We are going to the States and asking them to act.

What we are doing today is precisely what we ought to be doing, no more, no less. It is the measured response that continues to respect the rights of the States to govern their own elections but highlights to them their critical role in our Federal legislature and emphasizes their responsibility to ensure that their representation in Congress is never long diminished. It is, after all, in the best interest of each State to ensure that it can quickly replenish its congressional delegation, lest it be left out, unrepresented during what could be one of the most crucial moments in our Nation's history.

Therefore, we should, before we do anything more, give the States the opportunity to act in their best interest and in a way that suits each State's own unique needs, and that is precisely what this resolution does.

Our working group has also been examining possible amendments to the Presidential Succession Act of 1947 because the Speaker of the House stands third in line to the Presidency; and any attack on this body that decimates it, that deprives of it of Members, could take away the Speaker as well, indeed, take away other potential successor Speakers. We want to be sure that the line of Presidential succession is clear and uninterrupted.

Virtually ever proposed solution to every issue the working group has addressed, including this one over the past four months, whether it be a change in the rules of the House, passing a new law, amending an old one, or changing our Constitution by altering its language, presents very serious legal issues requiring careful thought and deliberation.

We are not the first to grapple with these issues. The very first Congress, meeting at the site where Federal Hall in New York stands today and where this Congress gathered just a few weeks ago, grappled with the issue of Presidential succession. One can hardly image a Congress more in touch with the sentiments and intentions of the founders than that very first Congress; and one can hardly imagine a government more tentative and fragile and in need of the stability a well-defined and certain line of Presidential succession would provide. Yet the first Congress was unable to agree on a Presidential succession law, and they went without one.

It was left to the second Congress to finally pass the first Presidential Succession Act in 1792. This act stated that in the event of a vacancy in the office of President and Vice President, succession will pass first to the President pro tem of the Senate and second to the Speaker of the House.

The act has been amended in all of the years intervening since 1792 only twice since then: first following the assassination of President James Garfield in 1881 and the death of Vice President Thomas Hendrix in 1886, when concerns were raised because at the time of their deaths Congress had not yet convened, leaving the office of President pro tem and Speaker of the House vacant. As a result, in 1886 Congress removed the Speaker and the President pro tem from the line of Presidential succession.

Fast forward to 1945. President Truman urged Congress to restore the Speaker and President pro tem to the line of Presidential succession. Two years later in 1947, Congress did so. This time putting the Speaker first and then the President pro tem of the Senate second. This brief history demonstrates the time and deliberation that have gone into the very few changes that have been made to our Presidential succession laws since the inception of the Republic. Therefore, those of us on this working group tasked with finding a solution to these problems of congressional continuity, of the line of Presidential succession should take comfort in a history where thoughtful deliberations has been the rule, not the exception.

Mr. Speaker, it is exactly that kind of deliberation, thoughtful and measured, that has gone into the proposals that the working group has put forward to the Committee on the Judiciary on statutory changes, for example, to the Presidential Succession Act, put forward to the Committee on Rules, changes to our quorum requirements in the manner of recognizing the death of a Member, particularly when mass death occurs, and on this question of the special election of Members after a death of a Member.

This resolution is the first step towards ensuring that this body will endure no matter what, no matter what our enemies do to us. I encourage every Member to join the 11 Members of the bipartisan working group in supporting this resolution, this important first step to ensuring the continuity of this great institution.

Mr. Speaker, I want to conclude by thanking in particular the gentleman from Texas (Mr. FROST) and his superb staff for the time, energy and effort they have put into these matters. We have much work ahead of us. We cannot congratulate ourselves too much for work half done, but we will be after this year and next year. And as I mentioned, given this long history, we cannot be concerned that we are not moving too precipitously fast. We are moving very fast, I think. We have gotten

a lot done, but we will have sometime before us. So I look forward toward working further with the gentleman from Texas (Mr. FROST).

Mr. Speaker, I thank the Members who have spoken on this very important topic today. I apologize to those who were concerned with raising such grizzly topics. Now, Mr. Speaker, I hope we can put ourselves and our minds back to other workday matters more important to we, the living, than this horrible-to-contemplate future contingency. I urge the adoption of this resolution by all the Members of this House, and I urge action of the States in furtherance of this resolution, Mr. Speaker.

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

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

Pursuant to the order of the House of Thursday, September 26, 2002, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

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

Mr. FROST. 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. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 559.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, I offer a motion to instruct conferees on the Help America Vote Act.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—

(1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and

(2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Florida (Mrs. MEEK) and the gentleman from Ohio (Mr. NEY) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

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

Mr. Speaker, this motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 4, 2002. I speak with a sense of urgency, Mr. Speaker. It has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. Last month we had a primary election in Florida that reinforced the need for immediate action on election reform, as it confirmed that many problems that plagued the 2000 Presidential election in Florida are continuing, Mr. Speaker.

□ 1315

Mr. Speaker, it has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed their version of election reform legislation, Senate bill 765, the Martin Luther King, Jr., Equal Protection of Voting Rights Act of 2002. The Senate passed it by a vote of 99 to 1, yet the conferees still have not completed this. There is a sense of urgency, I repeat.

Two weeks ago I spoke on the floor here in support of the motion to instruct the election reform conferees offered by the gentlewoman from California (Ms. WATERS) instructing the conferees to file a conference report by October 1, 2002. Everyone said the right thing about the need to produce an election reform conference report by October 1, 2002, and yet no conference report was filed. The clock is still ticking, Mr. Speaker.

At that time, the gentleman from Ohio (Mr. NEY) remarked,

I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future.

The Chairman also observed,

There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

Last week I returned to the floor, Mr. Speaker, to speak in strong support of this motion to instruct the election reform conferees offered by my good friend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), again di-

recting the election reform conferees to produce a conference report before October 1, 2002. Once again, everyone said that the right thing at that time was the need for the conferees to conclude their work, and yet, once again, an election reform conference report has yet to be filed.

Mr. Speaker, I know that the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), the ranking member, and Senators DODD, MCCONNELL, SCHUMER, BOND, the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. WATERS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Florida (Mr. HASTINGS), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Missouri (Mr. BLUNT) have worked very hard on the issue of election reform, and I thank all of them for their efforts. Yet, Mr. Speaker, as the Washington Post observed in an excellent editorial yesterday, it is long past the time for conferees to work out their differences.

As the Post observed,

The negotiators see eye to eye on most aspects of the legislation. Both sides agree that Federal grants should support State election-reform efforts. They have agreed on the size of this support: \$3.5 billion over 5 years. They agree that Federal standards should guarantee the basic quality of elections: There should be accurate registers of voters in each State; voters should get a chance to correct their votes if they mess up their ballot first time around; there should be access to the polls for voters with disabilities. Both sides also agree that the goal of encouraging participation in elections needs to be balanced by vigilance against fraudulent participation.

The sticking points are modest by comparison.

How these issues get resolved matters less than whether they get resolved: The worst of all outcomes is that the legislation dies for lack of negotiating energy. A dozen States have passed election-reform plans,

including my State of Florida,

that will be implemented only if Federal funding is available; if these plans are left to languish, more disputed elections lie in the future. At a time when the Nation's political balance, both in the House and in the Senate, is so nearly even, the importance of accurate vote counting ought to be obvious. And at a time when voter turnout is at an all-time low, bolstering public confidence in the machinery of democracy is especially urgent.

Mr. Speaker, the Washington Post has it right. We need action on election reform, and we need it now. I repeat, we need this now. This is an urgent situation. Thus I am compelled to return to the floor today to offer this motion instructing the conferees to complete their work and file a conference report prior to October 4, 2002.

Mr. Speaker, need I say it again? Election reform is long overdue. Wherever I travel, my constituents and many other Americans ask what is going to be done about election reform; what are we going to do to correct these problems in the election system? The confidence of the Nation is being

certainly inhibited by the lack of election reform. How many more election day catastrophes, like last month's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill, and they need it now?

Mr. Speaker, we must protect the right to vote. Too many have sacrificed too much to secure this right for any of us to shrink from our responsibility to protect it. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading, and, again, every vote must count. Every voter must count equally, and every vote must count.

I have read these newspapers over and over again, and I have read the indication that election reform conferees have not yet been able to work out their differences and suggesting that election reform, therefore, may be dead this session. Election reform should not be dead this session. As I noted last week, this outcome is absolutely unacceptable to say that election reform is dead for this session. We should be able to pass a strong election reform conference report and send it to the President for his signature before this session ends.

Mr. Speaker, I do not question the conferees' good intentions. In fact, I presume their good faith. But the time for words has passed. It is time for action. It is time for the conferees to act. We need to get this conference report done and report it out. I am here to remind all of the conference members and the conferees of the gentleman from Ohio's (Mr. NEY) comments that I quoted and encourage them to act on it.

Mr. Speaker, we must not forget the lessons of the 2000 election and last month's Florida fiasco. The most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. It appears that many of us have forgotten that, but it is extremely important that we keep this in front of the American public. To restore that faith in democracy, we must make sure that every vote cast is counted. None of us can rest until we ensure that every vote counts and is counted.

I urge all of my colleagues to support my motion to instruct election reform conferees to file a conference report prior to October 4, 2002.

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

Mr. NEY. Mr. Speaker, I yield myself as much time as I may consume.

Let me just say I appreciate the gentlewoman's motion to instruct. We are going to agree with the motion to instruct. In fact, I just want to present this in the correct way. We are speaking, as we are speaking, so, therefore, I am going to have to actually yield back the balance of my time so we can go on and get this product done.

I am working with our colleague the gentleman from Maryland (Mr. HOYER) and the other members of the conference. We need a product. We want to have a product. We want something that works. We do not want an issue; none of us want that. We all want something that is going to help the American people.

I appreciate the gentlewoman pushing in the correct way on this conference committee motion.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

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

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

Let me begin by recognizing the outstanding leadership of the gentlewoman from Florida. I am not objecting. She is a close friend. She is a close friend. I am a strong admirer. She has had an extraordinary career in this House, State senate, in the Legislature of Florida and her community. The cause of election reform has no greater advocate. She has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face.

When registration rolls are improperly maintained, when provisional ballots are inadequate and voting equipment is so obsolete it fails to register duly cast votes, indeed, Mr. Speaker, I can think of few Members of this body, perhaps the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. HASTINGS) come to mind, but few Members who are as qualified to speak on election reform in uniquely moral, constitutional and American terms than my friend the gentlewoman from Florida (Mrs. MEEK).

Mr. Speaker, in less than 4 weeks this Nation will hold its first Federal elections since the November 2000 debacle. Mr. Speaker, I will include the balance of my remarks, but I want to say this. I want to say it to all the Members of this House, Mr. Speaker. We took a historic step last year in December and passed overwhelmingly election reform. Over 350 Members of this body voted for that. Some 5 months, 6 months later, the United States Senate passed a bill 99 to 1, passed it in April. April has come and gone. May has come and gone, June, July, August, September. Now we are in October. We are in a new fiscal year.

The 107th Congress is about to end, and, Mr. Speaker, we have yet to pass election reform. We have yet to pass the bill that arguably had the greatest impetus coming out of the 2000 election of any issue in this land, and that was ensuring that every American not only had the right to vote, but would be facilitated in making that vote, and that

their vote would be accurately counted.

Mr. Speaker, I have had a lot of optimism that we are going to pass this bill. I continue to have optimism, but the hour is late. This motion is absolutely appropriate, and I thank the gentlewoman from Florida for making it. We have been working in private, difficult sessions, tried to iron out differences. The good news is, Mr. Speaker, from my perspective, we have agreement on 90 percent of this bill's major points.

Mr. Speaker, it would be tragic, but more than that, it would be disgraceful, if this House and the Senate adjourned sine die without passing this particular piece of legislation.

Mr. Speaker, since September 5, I suppose, when we reconvened here, maybe it was the 4th, we have done little. We have not passed any appropriation bills. The end of the fiscal year came on September 30 and went. We passed a continuing resolution to keep the government funded. We are going to pass another continuing resolution tomorrow, but we have not done anything of substance, Mr. Speaker. Neither this body nor the other body has passed any legislation of significance in the past 25 days.

□ 1330

Mr. Speaker, we will debate next week the issue of war and peace. We will debate how we extend the blessings of democracy and protect people from those who would visit terror and death and destruction upon them, their families, and their countries. Mr. Speaker, as we do so, let us hope that we also pass a piece of legislation which will say that in the world's greatest democracy that believes that all men and women are created equal and that in this Nation every one of them is entitled to have their voice heard and that in a democracy, that that voice is heard through the ballot box.

Mr. Speaker, I hope that you, I hope that I, I know that the gentlewoman from Florida (Mrs. MEEK) will work as tenaciously and vigorously as we know how to ensure that we will vindicate that right in legislation; in legislation which will extend to the States resources to give us the best technology possible, resources to provide training for those who administer our elections, resources to educate our voters, and requirements that we have a statewide registration system so that a voter does not come to the polls and hear, oh, I am sorry, we cannot find you on the list; and by the way, we cannot get through to the central office on our phone.

I hope this will be legislation which will ensure that everybody, irrespective of the disability with which they are challenged, will be able to cast their vote and cast their vote in secret; legislation which will say that that person that comes to the poll will get a provisional ballot; and legislation which will say and guarantee that elec-

tion officials will be able to say to individuals, if the technology permits and an individual makes a mistake and that vote may not be counted, do you want to correct it? Do you want to correct it so that your voice in this democracy will be heard?

I thank the gentlewoman for yielding me this time; but much, much more importantly, I thank her for the courage, the conviction, and the time that she has spent through more than 5 decades of public service to make this a better country.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from Florida, for whom the cause of election reform has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face when registration rolls are improperly maintained, when provisional ballots are not available, and when voting equipment is so obsolete it fails to register duly cast votes.

Indeed, Mr. Speaker, I can think of few Members of this body—Representative BROWN and Representative HASTINGS come to mind—who are as qualified to speak of election reform in uniquely moral terms as Representative MEEK.

Mr. Speaker, in less than 4 weeks, this Nation will hold its first Federal elections since the November 2000 debacle.

Nobody can predict with certainty how smoothly those elections will go.

After almost 2 years studying what went wrong in November 2000, I am convinced that confidence in this Nation's election system will not be restored until this Congress enacts meaningful national standards, and offers State and local authorities the resources to improve their election infrastructure.

I am pleased to report that Congress is on the threshold of doing just that.

Thanks in large measure to my colleague and good friend from Ohio, Chairman BOB NEY, we are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965:

Reform that will require States to offer provisional ballots to all voters whose registration materials have been mishandled by election officials.

Reform that will require States to maintain statewide, computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from the voter rolls.

Reform that will reward States for retiring obsolete voting machines—especially the notorious punch cards machines and their dangling chads—that prompted this Congress to act in the first place.

Reform that will require voting systems to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, and allow them to vote privately and independently.

Reform that allows voters to review and correct their ballots before they are cast.

Reform that does not weaken any existing voting rights laws, includes meaningful enforcement, and ensures that every vote counts.

Mr. Speaker, this motion is intended to ensure that we on the Conference Committee complete our work prior to October 1, 2002.

Given the extraordinary progress the Conference Committee has made in the past 14

days, there is no legitimate reason we cannot meet that deadline.

Indeed, given the larger context in which we operate, I would submit that this Congress has a moral obligation to enact election reform before we adjourn:

Mr. Speaker, over the last year this country has committed vast resources to ridding the world of those who would employ the tools of terror to destroy systems of government that derive their legitimacy from the ballot box.

In just the past few weeks we in Congress have been challenged to contemplate the use of overwhelming military might to bring to heel one of the great despots of the past 50 years, a figure whose utter contempt for democracy and the people he rules is the only reason he has held power for so long.

As we consider such profound measures to extend democracy where it does not now exist and strengthen it where it is fragile, we have an urgent responsibility to do the same at home.

Mr. Speaker, I urge my colleagues to pass this motion.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself the balance of my time, and I wish to thank the gentleman from Maryland (Mr. HOYER), my friend, who has been steadfast in his support and building a rationale in this country for election reform. He did not need to be asked. He rose to the occasion. He worked extremely hard in this Congress. He held hands with the gentleman from Ohio (Mr. NEY). This has been a bipartisan push, and it has to happen.

It is very difficult for me to understand why it has not happened. The gentleman from Maryland (Mr. HOYER) has laid out here a history of what has happened. I am a part of that history. I make history every day, and the people I represent make history because we are being misrepresented when the vote is not counted. We may go throughout the highways and byways of this country and get people to go to the polls and vote; but if their votes are not counted, it undermines a system which we are so proud of.

We are proud of this country. We know what it can do. We know what it has done. And we are saying over and over again we cannot accept the fact that many people, over 22,000 of them in Broward and Dade County, were overlooked, even more than that in Duvall County. The gentlewoman from Florida (Ms. BROWN) has nightmares of what happened in Duvall County. The gentleman from Florida (Mr. HASTINGS) and I have nightmares of what happened in Dade and Broward. But now it is beginning to happen to all citizens.

Not many people got alarmed when it happened to the people I represent. I came to this Congress, and I talked about it. I represent those people who are underrepresented. But now it is beginning to happen to the American populace. It happened when Janet Reno ran for Governor in Florida. People who wanted to vote for her could not. People who thought they had voted for her had not.

It is extremely important, Mr. Speaker; and I again appeal to this Congress, with the conscience I know my colleagues have, to stand up for America and see that the conferees get their work done, get it done immediately, and report it and the President pass it. Otherwise, the talking is cheap. Only their confidence, only their good will, only action will prove that every vote will count.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 3295, introduced by the gentlewoman from Florida, Mrs. MEEK.

Mr. Speaker, it is time for the Members of Conference Committee to convene a public meeting, finish their work on this legislation, and report it out.

It is time to have a final election reform bill on the floor of the House of Representatives. We've waited long enough.

For the past three weeks now, I have joined a number of Members at this podium and recounted how allegations of voter intimidation, inaccurate voter registration lists, arbitrary ballot counting standards and antiquated machinery deprived so many citizens of their right to vote during the 2000 election.

Just last week, we called for the House-Senate Conference Committee to complete their work by no later than October 1st.

Unfortunately, yet another week has come and gone, and still we have no election reform bill.

How can we go home to our Districts and look our constituents in the eye if we fail to enact legislation to protect this most sacred right, a right that is the cornerstone of our democracy?

Recent primary elections in Florida and elsewhere have only confirmed that the problems of the 2000 elections will still haunt us until we pass legislation to enact meaningful election reform standards. We in Congress have legislation almost within our grasp that will take giant strides to remedy the disenfranchisement of the last election.

We must pass this bill, and we must send it to the President for his signature before another day passes.

Now, it has taken a substantial amount of work to get us where we are today. I believe all Members of the Conference Committee deserve our gratitude for their work on this difficult issue.

I would also like to salute my colleagues in the Congressional Black Caucus for fighting to make "every vote count".

But while I recognize these individuals for their hard work, I want to remind all of them that our work will be for naught if we fail to pass this legislation.

In just 34 days, Americans across the country will go to the polls to cast ballots for their elected representatives.

Congress must act immediately to ensure that every American has the right to vote and to have their vote counted. Time is running out for the 107th Congress.

We've come so close to compromise, and the price for not passing election reform is far too high. It's time to quit wasting time.

I call on the Conference Committee finish its hard work, convene a public meeting, and

come to an agreement before October 4, 2002. We cannot afford to let this opportunity slip away.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

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

Mrs. MEEK of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1406

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 2 o'clock and 6 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H. Res. 543, de novo;

H. Res. 559, de novo;

Motion to instruct conferees on H.R. 3295, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

The SPEAKER pro tempore. The pending business is the question de novo on the resolution, House Resolution 543.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. GRAVES. 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 285, nays 130, not voting 16, as follows:

[Roll No. 430]

YEAS—285

Abercrombie	Dicks	Kennedy (RI)
Aderholt	Dooley	Kerns
Akin	Doolittle	Kind (WI)
Allen	Doyle	King (NY)
Armey	Dreier	Kingston
Bachus	Duncan	Kirk
Baird	Dunn	Knollenberg
Baker	Edwards	Kolbe
Baldacci	Ehlers	LaHood
Ballenger	Emerson	Lantos
Barcia	Engel	Latham
Barr	English	LaTourette
Barrett	Etheridge	Leach
Bartlett	Everett	Lewis (CA)
Barton	Ferguson	Lewis (KY)
Bass	Flake	Linder
Bereuter	Fletcher	Lipinski
Berkley	Foley	LoBiondo
Biggert	Forbes	Lucas (KY)
Bilirakis	Ford	Lucas (OK)
Bishop	Fossella	Luther
Blagojevich	Frelinghuysen	Maloney (CT)
Blunt	Galleghy	Maloney (NY)
Boehler	Ganske	Manzullo
Boehner	Gekas	Matheson
Bonilla	Gibbons	McCarthy (NY)
Bono	Gilchrest	McCreery
Boozman	Gillmor	McHugh
Boswell	Goode	McInnis
Boucher	Goodlatte	McIntyre
Brady (TX)	Gordon	McKeon
Brown (FL)	Goss	McKinney
Brown (SC)	Graham	McNulty
Bryant	Granger	Meeks (NY)
Burr	Graves	Mica
Burton	Green (WI)	Miller, Dan
Buyer	Greenwood	Miller, Gary
Callahan	Grucci	Miller, Jeff
Calvert	Gutknecht	Moore
Camp	Hall (TX)	Moran (KS)
Cannon	Hansen	Morella
Cantor	Harman	Myrick
Capito	Hart	Nethercutt
Capps	Hastings (WA)	Ney
Carson (OK)	Hayes	Northup
Castle	Hayworth	Norwood
Chabot	Hefley	Nussle
Chambliss	Hinojosa	Osborne
Clay	Hobson	Ose
Clement	Hoekstra	Otter
Clyburn	Holden	Oxley
Coble	Holt	Paul
Collins	Hoolley	Pence
Combust	Horn	Peterson (MN)
Condit	Hostettler	Peterson (PA)
Costello	Houghton	Petri
Cox	Hulshof	Phelps
Cramer	Hunter	Pickering
Crane	Hyde	Platts
Crenshaw	Isakson	Pombo
Cubin	Israel	Pomeroy
Culberson	Issa	Portman
Cunningham	Istook	Pryce (OH)
Davis (CA)	Jefferson	Putnam
Davis (FL)	Jenkins	Quinn
Davis, Jo Ann	John	Radanovich
Davis, Tom	Johnson (CT)	Ramstad
DeFazio	Johnson (IL)	Regula
DeLay	Jones (NC)	Rehberg
DeMint	Keller	Reynolds
Deutsch	Kelly	Riley
Diaz-Balart	Kennedy (MN)	Roemer

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons

Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt

Tiberi
Toomey
Townes
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

□ 1430

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic votes on each question on which the Chair has postponed further proceedings.

EXPEDITED SPECIAL ELECTIONS

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution, House Resolution 559.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

Mrs. BONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 431]

YEAS—414

Ackerman
Andrews
Baca
Baldwin
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hill
Hilliard
Hinchey
Hoeffel
Honda

NAYS—130

Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Menendez
Tierney
McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Oliver

Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Turner
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

Abercrombie	Capps	Everett
Ackerman	Capuano	Farr
Aderholt	Cardin	Fattah
Akin	Carson (IN)	Ferguson
Allen	Carson (OK)	Filner
Andrews	Castle	Flake
Armey	Chabot	Fletcher
Baca	Chambliss	Foley
Bachus	Clay	Forbes
Baird	Clement	Ford
Baker	Clyburn	Fossella
Baldacci	Coble	Frank
Baldwin	Collins	Frelinghuysen
Ballenger	Combust	Frost
Barcia	Condit	Galleghy
Barr	Conyers	Ganske
Barrett	Costello	Gekas
Bartlett	Cox	Gephardt
Barton	Coyne	Gibbons
Bass	Cramer	Gilchrest
Becerra	Crane	Gillmor
Bentsen	Crenshaw	Gilman
Bereuter	Crowley	Gonzalez
Berkley	Cubin	Goode
Berman	Culberson	Goodlatte
Berry	Cummings	Gordon
Biggert	Cunningham	Goss
Bilirakis	Davis (CA)	Graham
Bishop	Davis (FL)	Granger
Blagojevich	Davis (IL)	Graves
Blumenauer	Davis, Jo Ann	Green (TX)
Blunt	Davis, Tom	Green (WI)
Boehler	DeFazio	Greenwood
Boehner	DeGette	Grucci
Bonilla	Delahunt	Gutierrez
Bonior	DeLauro	Gutknecht
Bono	DeLay	Hall (TX)
Boozman	DeMint	Hansen
Borski	Deutsch	Harman
Boswell	Diaz-Balart	Hart
Boucher	Dicks	Hastings (WA)
Boyd	Dingell	Hayes
Brady (PA)	Doggett	Hayworth
Brady (TX)	Dooley	Hefley
Brown (FL)	Doolittle	Hill
Brown (OH)	Doyle	Hilliard
Brown (SC)	Dreier	Hinchey
Bryant	Duncan	Hinojosa
Burr	Dunn	Hobson
Burton	Edwards	Hoeffel
Buyer	Ehlers	Hoekstra
Callahan	Emerson	Holden
Calvert	Engel	Holt
Camp	English	Honda
Cannon	Eshoo	Hoolley
Cantor	Etheridge	Horn
Capito	Evans	Hostettler

NOT VOTING—16

Cooksey
Deal
Ehrlich
Gilman
Hastings (FL)
Herger

Hilleary
Johnson, Sam
Lampson
Mascara
Pitts
Rahall

□ 1430

Messrs. SCOTT, INSLEE, KUCINICH, LARSON of Connecticut, PAYNE, PALLONE, WAXMAN, EVANS, SPRATT, FILNER, WATT of North Carolina, BONIOR, FARR of California, and Ms. MCCOLLUM changed their vote from “yea” to “nay.”

Mr. REYNOLDS 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.

Hoyer
Hulshof
Hunter
Hyde
Insole
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecza
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

NOT VOTING—17

Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger

□ 1440

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.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct conferees on H.R. 3295 offered by the gentlewoman from Florida (Mrs. MEEK) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 14, not voting 17, as follows:

[Roll No. 432]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armedy
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Bernard
Berry
Biggett
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brady (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-Donald
Miller, Dan
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Skeen

NAYS—14

Barr
Bonilla
Collins
Culberson
Everett
Flake
Goode
Hostettler
Kerns
Kingston

NOT VOTING—17

Bass
Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger
Hilleary
Houghton
Johnson, Sam
Lampson
Mascara
Pitts
Roukema
Sanchez
Stump
Tanner

□ 1450

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5521, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2003

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-716) on

the bill (H.R. 5521) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. THORNBERY). All points of order are reserved on the bill.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

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

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe under funding of Education within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states 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 the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the "Leave No Child Behind" Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No: 107-110, the "No Child Left Behind" Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President's FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the "No Child Left Behind" Act without the necessary financial resources to fund it. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the "No Child Left Behind" Act as it promised less than a year ago, by completing action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of the privileges of the House under rule IX.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the recognition to speak on the resolution.

Article 1, section 9 of the Constitution states that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of these important measures have been considered.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 Labor, Health and Human Services, Education and Related Agencies appropriations bill in its funding for education. This inaction has hampered this body's constitutional duty.

□ 1500

Mr. Speaker, this inaction has hampered this body's constitutional duty and impinged its integrity. President Bush dedicated significant amounts of time and public dialogue during his first months in office to the passage of H.R. 1, the Leave No Child Behind Act. It specifically authorized large increases in a number of key educational programs. However, within weeks of signing the bill, the President submitted a budget that stopped 6 years of steady progress. His budget director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto the entire appropriations bill.

Mr. Speaker, section 702 of House rule IX, entitled "The General Principles," concluded that certain matters of business arising under the Constitution mandatory in nature for the House have been held to have a privilege

which supersedes the rules establishing the order of business. The powers of raising revenue and appropriating funds is the question of the House's constitutional authority and is therefore privileged in nature, especially given the importance of this funding to the future of our Nation.

The future of our labor force and our economy is heavily dependent on elevating the education and skills of future workers. The achievement gap between students who are at risk and the rest of the student population remains large and has failed to close.

It is not only the prerogative of this Chamber but its constitutional duty for the House to take action on the Labor, Health and Human Services and Labor bill. The Congress has provided States with an unfunded mandate by approving H.R. 1 without the necessary financial resources to fund it. The majority of this body voted for H.R. 1, and we should deserve to be heard.

Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The U.S. Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility, it is our duty and obligation to reinstate this message and this legislation about the importance of education. And I do believe the resolution that I have introduced is privileged in the House.

The SPEAKER pro tempore (Mr. THORNBERY). The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to provide the States with additional education resources by completing action on a general appropriation bill.

The Chair has most recently ruled on November 4, 1999, consistent with the principal enunciated by Speaker Gillett in his landmark ruling of May 6, 1921, that a resolution expressing a legislative sentiment ordinarily does not give rise to a question of privileges of the House under rule IX. Specifically, the Chair held on that occasion that legislative sentiment that the President should take specified action to achieve a desired policy end did not present a question affecting the rights of the House collectively, its safety, its dignity or the integrity of its proceedings as required under rule IX.

In the opinion of the Chair, the instant resolution expressing the sentiment that Congress should act on a specified measure also falls short of the standards of rule IX.

The Chair would quote from the landmark Gillett ruling: "No one Member ought to have the right to determine when it should have come in preference to the regular rules of the House."

To permit a question of privileges of the House either urging or requiring congressional action or inaction on education funding would permit any Member to advance virtually any legislative proposal as a question of privileges of the House.

As the Chair ruled on December 22, 1995, the mere invocation of the general legislative power of the purse provided in the Constitution, coupled with a fiscal 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 Indiana (Mr. VISCLOSKY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. VISCLOSKY. Mr. Speaker, I appeal the ruling of the Chair.

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

MOTION TO TABLE OFFERED BY MR. JEFF MILLER OF FLORIDA

Mr. JEFF MILLER of Florida. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. VISCLOSKY. 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 210, nays 200, not voting 21, as follows:

[Roll No. 433]
YEAS—210

Aderholt	Crenshaw	Grucci
Akin	Cubin	Gutknecht
Armey	Culberson	Hansen
Bachus	Cunningham	Hart
Baker	Davis, Jo Ann	Hastings (WA)
Balanger	DeLay	Hayes
Bartlett	DeMint	Hayworth
Barton	Diaz-Balart	Hefley
Bass	Doolittle	Herger
Bereuter	Dreier	Hobson
Biggert	Duncan	Hoekstra
Bilirakis	Dunn	Horn
Blunt	Ehlers	Hostettler
Boehler	Emerson	Houghton
Boehner	English	Hulshof
Bonilla	Everett	Hunter
Bono	Ferguson	Hyde
Boozman	Flake	Isakson
Brady (TX)	Fletcher	Issa
Brown (SC)	Foley	Istook
Bryant	Forbes	Jenkins
Burr	Fossella	Johnson (CT)
Burton	Frelinghuysen	Johnson (IL)
Buyer	Gallely	Johnson, Sam
Calvert	Gekas	Jones (NC)
Camp	Gibbons	Keller
Cannon	Gilchrest	Kelly
Cantor	Gillmor	Kennedy (MN)
Capito	Gilman	Kerns
Castle	Goode	King (NY)
Chabot	Goodlatte	Kingston
Chambliss	Goss	Kirk
Coble	Graham	Knollenberg
Collins	Granger	Kolbe
Combest	Graves	LaHood
Cox	Green (WI)	Latham
Crane	Greenwood	LaTourette

Leach	Pombo	Smith (NJ)	Waxman	Wexler	Wu
Lewis (CA)	Portman	Smith (TX)	Weiner	Woolsey	Wynn
Lewis (KY)	Pryce (OH)	Souder			
Linder	Putnam	Stearns			
LoBiondo	Quinn	Sullivan			
Lucas (OK)	Radanovich	Sununu	Abercrombie	Ganske	McKinney
Manzullo	Ramstad	Sweeney	Barr	Gutierrez	Pitts
McCrery	Regula	Tancredo	Callahan	Hastings (FL)	Roukema
McHugh	Rehberg	Tauzin	Cooksey	Hilleary	Sanchez
McInnis	Reynolds	Taylor (NC)	Davis, Tom	LaFalce	Stump
McKeon	Riley	Terry	Deal	Lampson	Tanner
Mica	Rogers (KY)	Thomas	Ehrlich	Mascara	Watkins (OK)
Miller, Dan	Rogers (MI)	Thornberry			
Miller, Gary	Rohrabacher	Thune			
Miller, Jeff	Ros-Lehtinen	Tiahrt			
Moran (KS)	Royce	Tiberi			
Morella	Ryan (WI)	Toomey			
Myrick	Ryun (KS)	Upton			
Nethercutt	Saxton	Vitter			
Ney	Schaffer	Walden			
Northup	Schrock	Walsh			
Norwood	Sensenbrenner	Wamp			
Nussle	Sessions	Watts (OK)			
Osborne	Shadegg	Weldon (FL)			
Ose	Shaw	Weldon (PA)			
Otter	Shays	Weller			
Oxley	Sherwood	Whitfield			
Paul	Shimkus	Wicker			
Pence	Shuster	Wilson (NM)			
Peterson (PA)	Simmons	Wilson (SC)			
Petri	Simpson	Wolf			
Pickering	Skeen	Young (AK)			
Platts	Smith (MI)	Young (FL)			

NAYS—200

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

NOT VOTING—21

Abercrombie	Ganske	McKinney
Barr	Gutierrez	Pitts
Callahan	Hastings (FL)	Roukema
Cooksey	Hilleary	Sanchez
Davis, Tom	LaFalce	Stump
Deal	Lampson	Tanner
Ehrlich	Mascara	Watkins (OK)

□ 1524

Mr. EDWARDS and Mr. HINOJOSA changed their vote from “yea” to “nay.”

Mr. HEFLEY and Mr. WELDON of Florida changed their vote from “nay” to “yea.”

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—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Mr. BROWN of Ohio. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed yesterday 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:

Whereas Article I, Section VIII, of the Constitution states Congress shall have Power to promote the progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Whereas such protections on Writings and Discoveries have been promulgated by patent, copyright, and other laws, including Public Law 98-417, affording Authors and Inventors the exclusive Right to their respective Writings and Discoveries for a limited period of time;

Whereas Public Law 98-417 breaches this constitutional requirement by failing to impose such limitation on the protection of certain medical inventions;

Whereas provisions of Public Law 98-417 imbue the Food and Drug Administration with the authority to secure for limited time for Inventors the exclusive Right to their respective Medical Inventions;

Whereas public Laws 98-417 fails to provide the Food and Drug Administration the authority to refrain from securing this exclusive right for inventors if the conditions for such exclusivity are not met;

Whereas due to the failure of Congress to provide the Food and Drug Administration with the proper authority to fulfill obligations under the Act, certain medical inventions have received the exclusive Right to their respective Inventions without limitation;

Whereas the unlimited exercise of exclusivity by prescription drug manufacturers subjects healthcare consumers and third party payers to no-competitive prices and results in significantly higher prescription drug costs for purchasers;

Whereas health care costs increased by 5% in 2001, 3.7 times faster than overall inflation rate;

Whereas prescription drug cost spending is the fastest growing component of health care costs, and rose 17% in 2001;

Whereas health insurance premiums rose by 11% in 2001, driven largely by the increased cost of prescription drugs;

Whereas state Medicaid spending increased by 11% in Fiscal year 2002, driven primarily by increased prescription drug spending and enrollment growth;

Whereas the number of individuals with health insurance declined by 1.4 million in 2001, a function of the faltering economy, rapid health inflation, and a growing number of states in which public insurance programs are outpacing budgets;

Whereas prescription drugs are prescribed by licensed healthcare professionals to consumers as a non-discretionary purchase essential to their welfare;

Whereas it is in the public interest to grant a limited period of exclusivity to inventors of prescription drugs, but extending that exclusivity places an inappropriate fiscal burden on consumers, insurers, and public sector payers;

Whereas generic drugs are sold as alternatives to medical inventions for which exclusivity is no longer available;

Whereas generic drugs have the same dosage, safety, strength, quality, and performance as the medical inventions for which they serve as substitutes, according to the Food and Drug Administration;

Whereas limitations on exclusivity have allowed prescription drug prices to drop 40-80 percent when generic drugs enter the market;

Whereas limitations allowing generic drugs to enter the market saved consumers \$8-\$10 billion in 1994 alone, according to the Congressional Budget Office;

Whereas the failure to apply limitations to the Exclusive rights granted under Public Law 98-622 has afforded widely used medicines, including Prilosec and Paxil, an indefinite period of exclusivity;

Whereas Prilosec and Paxil were among the 50 medicines seniors used most in 2001;

Whereas the Senate has passed S. 812, which amends Public Law 98-417 to restore constitutionally mandated limitation on medical inventions;

Whereas the House has not considered Legislation to amend Public Law 98-417 to restore constitutionally mandated limitations in medical inventions;

Whereas it is the obligation of the House to consider such legislation in keeping with its constitutionally mandated obligations to secure for Limited Times to Authors and inventors the right to their writings and Inventions;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will cost consumers and other purchasers \$60 billion over the next ten years, according to the Congressional Budget Office;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will leave more seniors and other Americans without access to needed medicines;

Resolved, that it is the sense of the House of Representatives that the house should consider pending legislation to amend Public Law 98-417 to restore constitutionally mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded federal and state health insurance programs.

□ 1530

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Speaker, I rise on a point of order. The gentleman has not presented to the House a question of privilege under rule IX of the rules of the House. As the House Practice Manual clearly states, and I quote, "Rule IX is concerned not with the privileges of the Congress as a legislative branch but

only with the privileges of the House itself." The mere enumeration of the legislative powers in article 1, section 8 of the U.S. Constitution, which the gentleman cites in his resolution, do not give rise to a question of privilege of the House itself. The precedents of the House are clear on this point.

Mr. Speaker, I therefore insist on the point of order.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear from the gentleman from Ohio on the point of order as to whether his resolution constitutes a question of privileges of the House under rule IX.

Mr. BROWN of Ohio. Mr. Speaker, this resolution goes to the question of the integrity of the House and its proceedings, and failure to act impugns the integrity of the House.

Under article 1, section 8 of the Constitution, Congress has two obligations in regard to intellectual property protection: to provide authors and inventors a period of exclusivity, and to place a defined limit on that exclusivity. Both obligations are crucial because they accommodate a delicate balance between promoting new innovation and promoting broad scale access to that new innovation.

In the case of prescription drugs, the balance is especially crucial. It is in the public interest to promote the development of new medicines. Every day, however, that competition in the drug market is delayed means fewer Americans with access to that medicine. The only thing more tragic than a life-threatening or debilitating illness is knowing that one cannot afford the medicine that would cure that illness.

In accordance with its obligations under the Constitution, Congress has enacted a number of laws intended to provide inventors and authors limited intellectual property protection: the Patent Act, the Copyright Act, the Bayh-Dole Act, the Hatch-Waxman Act, and licensing laws for atomic energy and anti-pollution devices. Unfortunately, Hatch-Waxman confers intellectual property protection without limit. This was clearly not the intention of the authors, and Congress has impugned its integrity by failing to address this constitutional breach.

Under Hatch-Waxman, drug makers can trigger an automatic 30-month period of exclusivity for their products above and beyond the 14 to 17 years of patent protection they already receive by taking two simple steps: first, the drugmaker notifies FDA that it possesses an additional patent that claims the drug, meaning that it covers an essential aspect of the drug as approved by FDA. This typically occurs at just about the time when the drugmaker's original patents on the drug are about to expire. Then, if any generic drug companies have filed on application with FDA to market a generic version of that drug, the brand-name company then sues the generic for patent infringement.

Under those circumstances, FDA is obligated to place a 2½-year stay on the approval of the generic drug application regardless of the merit of the patent, regardless of whether the drugmaker's new patent actually claims the drug. In fact, FDA has no authority under Hatch-Waxman to assess whether a patent is actually in any way relevant to the underlying drug patent. The agency must take the drug industry's word for it and award the drugmaker an additional 30 months of exclusivity.

While the Judicial Branch tries to step into the breach, the courts have repeatedly curtailed the 30-month exclusivity by ruling that a drug company's patent does not claim a drug, the courts cannot prevent drug companies from repeating this process over and over again, filing new patents with FDA, triggering 30 months of exclusivity, then enjoying that exclusivity until the courts rule against them.

The SPEAKER pro tempore. The Chair requests the gentleman confine his remarks to the question of whether the resolution constitutes a question of privileges of the House.

Mr. BROWN of Ohio. Mr. Speaker, this goes to the question of the integrity of the House and its proceedings; and by building this case, it will be clear to all Members how this in fact has happened.

The Patent and Trademark Office cannot prevent drugmakers from securing indefinite periods of exclusivity under Hatch-Waxman. It only determines whether a drugmaker should receive a patent, not whether this patent claims an existing prescription drug product. Under Hatch-Waxman, neither FDA nor any agency or branch of government can prevent intellectual property protection from being conferred over and over again, in other words, indefinitely for the same product, a violation of the Constitution.

This problem is not theoretical; it is real. Neurontin, a \$1.1 billion-a-year drug, is a prescription drug for seizures. Its two main patents, one on the drug's ingredients, one on the use of the drug, expired in 1994 and 6 years later, respectively. Right before the second patent expired, the company listed two new patents, one of which was an unapproved use to treat Parkinson's. The drugmaker did not ask FDA to approve the drug for Parkinson's patients. The drugmakers did not do any research to assert whether the drug actually is effective for Parkinson's patients, but the generic drugmaker still had to go to court to argue that its product is not intended for Parkinson's patients.

When the generic and brand-name company go to court, FDA is automatically required to withhold approval of the generic for 30 months, or 2½ years. That is why this goes to the integrity of the House and its proceedings. After those 30 months, the industry filed a new patent, forcing the generic industry to go back to court, starting the 30-

month clock again. The two delays, equal to 5 years, delayed generic entry and additional patent protection illegally and unconstitutionally, costing consumers a million and a half days in potential savings.

It is our responsibility, Mr. Speaker, to restore the original intent of Hatch-Waxman and meet our constitutional obligation to limit intellectual property protection afforded to drugmakers. Our failure to act on pending legislation impugns the integrity of this House and impugns the integrity of Congress. In failing to act, we play a complicit role in a looming health care crisis. We know what that is: rising prescription drug costs fuel double-digit increases in health insurance premiums, they put State budgets in the red, and they force seniors to choose between medicine and food.

My question of privilege, Mr. Speaker, regards the integrity of our proceedings as a House as prescribed by the Constitution. The Constitution conveys upon this body the power to secure for limited, underscore limited, times to authors and inventors the exclusive rights to their writings and discoveries. Hatch-Waxman confers intellectual property protection without limit, and therefore it is our obligation to remedy this constitutional breach.

The other body has passed legislation already that fulfills this obligation bipartisanship and overwhelmingly. This House has three pieces of legislation before it, H.R. 1862, 5272, and 5311, with several sponsors from both parties, that would enable the House to meet its constitutional obligation. This resolution urges the House to take up one of these measures in keeping with our constitutional obligations and to restore the integrity of our proceedings.

I ask the Speaker to recognize any Member wishing to speak on the resolution.

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 Ohio does not constitute a question of the privileges of the House under rule IX, and the point of order raised by the gentleman from North Carolina is sustained.

Mr. BROWN of Ohio. Mr. Speaker, I appeal the ruling of the Chair and ask to be heard on the ruling.

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

MOTION TO TABLE OFFERED BY MR. BURR OF NORTH CAROLINA

Mr. BURR of North Carolina. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) to lay on the table the appeal of the ruling of the Chair.

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

Mr. BROWN of Ohio. 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 212, nays 204, not voting 15, as follows:

[Roll No. 434]

YEAS—212

Aderholt	Gekas	Miller, Jeff
Akin	Gibbons	Moran (KS)
Armey	Gilchrest	Myrick
Bachus	Gillmor	Nethercutt
Baker	Gilman	Ney
Ballenger	Goode	Norwood
Bartlett	Goodlatte	Nussle
Barton	Goss	Osborne
Bass	Graham	Ose
Bereuter	Granger	Otter
Biggert	Graves	Oxley
Bilirakis	Green (WI)	Paul
Blunt	Greenwood	Pence
Boehlert	Grucci	Peterson (PA)
Boehner	Gutknecht	Petri
Bonilla	Hansen	Pickering
Bono	Hart	Platts
Boozman	Hastings (WA)	Pombo
Brady (TX)	Hayes	Portman
Brown (SC)	Hayworth	Pryce (OH)
Bryant	Hefley	Putnam
Burr	Herger	Quinn
Burton	Hobson	Radanovich
Buyer	Hoekstra	Ramstad
Callahan	Horn	Regula
Calvert	Hostettler	Rehberg
Camp	Houghton	Reynolds
Cannon	Hulshof	Riley
Cantor	Hunter	Rogers (KY)
Capito	Hyde	Rogers (MI)
Castle	Isakson	Rohrabacher
Chabot	Issa	Ros-Lehtinen
Chambliss	Istook	Royce
Coble	Jenkins	Ryan (WI)
Collins	Johnson (CT)	Ryun (KS)
Combest	Johnson (IL)	Saxton
Cooksey	Johnson, Sam	Schaffer
Cox	Jones (NC)	Schrock
Crane	Keller	Sensenbrenner
Crenshaw	Kelly	Sessions
Cubin	Kennedy (MN)	Shadegg
Culberson	Kerns	Shaw
Cunningham	King (NY)	Shays
Davis, Jo Ann	Kingston	Sherwood
Davis, Tom	Kirk	Shimkus
DeLay	Knollenberg	Shuster
DeMint	Kolbe	Simmons
Diaz-Balart	LaHood	Simpson
Doolittle	Latham	Skeen
Dreier	LaTourette	Smith (MI)
Duncan	Leach	Smith (NJ)
Dunn	Lewis (CA)	Smith (TX)
Ehlers	Lewis (KY)	Souder
Emerson	Linder	Stearns
English	LoBiondo	Sullivan
Everett	Lucas (OK)	Sununu
Ferguson	Manzullo	Sweeney
Flake	McCrery	Tancredo
Fletcher	McHugh	Tauzin
Foley	McInnis	Taylor (NC)
Forbes	McKeon	Terry
Fossella	Mica	Thomas
Frelinghuysen	Miller, Dan	Thornberry
Gallegly	Miller, Gary	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—204

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

NOT VOTING—15

Barr	Hilleary	Roukema
Deal	Lampson	Sanchez
Ehrlich	Mascara	Skelton
Ganske	McKinney	Stump
Hastings (FL)	Pitts	Tanner

□ 1604

Mrs. NORTHUP changed her 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.

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	Crenshaw	Grucci
Akin	Cubin	Gutknecht
Armey	Culberson	Hansen
Bachus	Cunningham	Hart
Ballenger	Davis, Jo Ann	Hastings (WA)
Barr	Davis, Tom	Hayes
Bartlett	DeLay	Hayworth
Barton	DeMint	Hefley
Bass	Diaz-Balart	Herger
Bereuter	Doolittle	Hobson
Biggart	Dreier	Hoekstra
Bilirakis	Duncan	Horn
Blunt	Dunn	Hostettler
Boehlert	Ehlers	Houghton
Boehner	Emerson	Hulshof
Bonilla	English	Hyde
Bono	Everett	Isakson
Boozman	Ferguson	Issa
Brady (TX)	Flake	Istook
Brady (SC)	Fletcher	Jenkins
Bryant	Foley	Johnson (CT)
Burr	Forbes	Johnson (IL)
Burton	Fossella	Johnson, Sam
Buyer	Frelinghuysen	Jones (NC)
Callahan	Galleghy	Keller
Calvert	Ganske	Kelly
Camp	Gekas	Kennedy (MN)
Cannon	Gibbons	Kerns
Cantor	Gilchrest	King (NY)
Capito	Gillmor	Kingston
Castle	Gilman	Kirk
Chabot	Goode	Knollenberg
Chambliss	Goodlatte	Kolbe
Coble	Goss	LaHood
Collins	Graham	Latham
Combest	Granger	LaTourette
Cooksey	Graves	Leach
Cox	Green (WI)	Lewis (CA)
Crane	Greenwood	Lewis (KY)

Linder	Putnam
LoBiondo	Quinn
Lucas (OK)	Radanovich
Manzullo	Ramstad
McCrery	Regula
McHugh	Rehberg
McInnis	Reynolds
McKeon	Riley
Mica	Rogers (KY)
Miller, Dan	Rogers (MI)
Miller, Gary	Rohrabacher
Miller, Jeff	Ros-Lehtinen
Moran (KS)	Royce
Morella	Ryan (WI)
Myrick	Ryun (KS)
Nethercutt	Saxton
Ney	Schaffer
Northup	Schrock
Norwood	Sensenbrenner
Nussle	Sessions
Osborne	Shadegg
Ose	Shaw
Otter	Shays
Oxley	Sherwood
Paul	Shimkus
Pence	Shuster
Peterson (PA)	Simmons
Petri	Simpson
Pickering	Skeen
Platts	Smith (MI)
Pombo	Smith (NJ)
Portman	Smith (TX)
Pryce (OH)	Souder

NAYS—202

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

Udall (NM)	Watson (CA)	Wexler
Velazquez	Watt (NC)	Woolsey
Visclosky	Waxman	Wu
Waters	Weiner	Wynn

NOT VOTING—15

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

education agencies which are required to implement significant educational reforms.

Whereas President Bush's FY 2003 budget would provide only 18 percent of the increase in compensatory education funding promised by the "Leave No Child Behind" Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised in the "Leave No Child Behind" Act.

Whereas the funding level for improving teach quality in President Bush's budget would not even keep pace with the current level of funding, let alone help promote the expanded teacher quality programs contained in the "Leave No Child Behind" Act.

Whereas the President's education budget also fails to provide the level of federal assistance for the Individuals with Disability Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now therefore be it,

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations before recessing and should fund the "Leave No Child Behind" Act at levels commensurate with levels promised by the act less than a year ago.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Wisconsin (Mr. OBEY) on whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. OBEY. Mr. Speaker, rule IX of the House rules states clearly that "questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

The refusal of the majority party leadership to allow the House to take up the Labor-Health appropriations bill and, thereby, to block increased education funding that is critical to the Nation's schools, and to hold hostage the remaining appropriation bills that the House has yet to consider obviously brings ridicule upon the House. The integrity and the dignity of the House are at stake. It is a clear reflection on the dignity of the House and on the integrity of its proceedings when the House has not completed its appropriations bills and then uses its rules to avoid responsibilities rather than to meet them.

It also subjects the House to ridicule when the House spends a great amount of time passing resolutions lecturing the Senate to take actions on authorization bills which are far less crucial to the operations of the government than the House's failure to act on its core responsibility, which is to pass appropriation bills, including and especially the Labor, Health and Education appropriation bill.

Funding education at a continuing-resolution level brings to a screeching halt the progress that we have made in the past 5 years in providing average

increases of about 14 percent a year for education. At the same time, that continuing resolution freezes many other programs and would fund the National Institutes of Health at a level \$3.8 billion below the amount that both parties have announced that they want to see it funded at. In my view, the inconsistency is glaring and again brings ridicule on the House.

The House is discredited, Mr. Speaker, not only because of the spectacular failure of the House leadership to get the education funding bill or any of the 13 appropriation bills adopted by the start of the fiscal year which began yesterday, but also because the House has abdicated its constitutional responsibilities and, in that sense, is avoiding the very accountability which we say we want to provide.

Rule IX of the House rules outlines questions of privilege relating to constitutional prerogatives. Under our Constitution, the Congress has the power to appropriate. We determine the Nation's spending priorities and, by law, must pass all 13 appropriation bills by October 1, yesterday, the beginning of the new year. Mr. Speaker, in my view, the House leadership has abrogated its constitutional responsibilities in regard to appropriations, and I would argue that their continued inaction on these urgent priorities, priorities as crucial as additional funding for education, meets the test for privileged resolutions, and I would ask for such a ruling.

□ 1645

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair is prepared to rule on the question of whether the resolution offered by the gentleman from Wisconsin (Mr. OBEY) constitutes a question of the privileges of the House under rule IX.

As the Chair has ruled previously 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 the 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 Wisconsin (Mr. OBEY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. OBEY. Mr. Speaker, I regretfully appeal the ruling of the Chair.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr.

LAHOOD) to lay on the table the appeal of the ruling of the Chair.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 202, not voting 17, as follows:

[Roll No. 436]

YEAS—212

Akin	Graham	Peterson (PA)
Armey	Granger	Petri
Bachus	Graves	Platts
Ballenger	Green (WI)	Pombo
Barr	Greenwood	Portman
Bartlett	Grucci	Pryce (OH)
Barton	Gutknecht	Putnam
Bass	Hansen	Quinn
Bereuter	Hart	Radanovich
Biggart	Hastings (WA)	Ramstad
Bilirakis	Hayes	Regula
Blunt	Hayworth	Rehberg
Boehler	Hefley	Reynolds
Boehner	Herger	Riley
Bonilla	Hobson	Rogers (KY)
Bono	Hoekstra	Rogers (MI)
Boozman	Horn	Rohrabacher
Brady (TX)	Hostettler	Ros-Lehtinen
Brown (SC)	Houghton	Royce
Bryant	Hulshof	Ryan (WI)
Burr	Hunter	Ryun (KS)
Burton	Hyde	Saxton
Buyer	Isakson	Schaffer
Callahan	Issa	Schrock
Calvert	Istook	Sensenbrenner
Camp	Jenkins	Sessions
Cannon	Johnson (CT)	Shadegg
Cantor	Johnson (IL)	Shaw
Capito	Johnson, Sam	Shays
Castle	Jones (NC)	Sherwood
Chabot	Keller	Shimkus
Chambliss	Kelly	Shuster
Coble	Kennedy (MN)	Simmons
Collins	Kerns	Simpson
Combest	King (NY)	Skeen
Cooksey	Kingston	Smith (MI)
Cox	Kirk	Smith (NJ)
Crane	Knollenberg	Smith (TX)
Crenshaw	Kolbe	Souder
Cubin	LaHood	Stearns
Culberson	Latham	Sullivan
Cunningham	LaTourette	Sununu
Davis, Jo Ann	Leach	Sweeney
Davis, Tom	Lewis (CA)	Tancredo
DeLay	Lewis (KY)	Tauzin
DeMint	Linder	Taylor (NC)
Diaz-Balart	LoBiondo	Terry
Doolittle	Lucas (OK)	Thomas
Dreier	Manzullo	Thornberry
Duncan	McCrery	Thune
Dunn	McHugh	Tiahrt
Ehlers	McInnis	Tiberi
Emerson	McKeon	Toomey
English	Mica	Upton
Everett	Miller, Dan	Vitter
Ferguson	Miller, Gary	Walden
Flake	Miller, Jeff	Walsh
Fletcher	Moran (KS)	Wamp
Foley	Morella	Watkins (OK)
Forbes	Myrick	Watts (OK)
Fossella	Nethercutt	Weldon (FL)
Frelinghuysen	Ney	Weldon (PA)
Gallely	Northup	Weller
Ganske	Norwood	Whitfield
Gekas	Nussle	Wicker
Gibbons	Osborne	Wilson (NM)
Gilchrest	Ose	Wilson (SC)
Gillmor	Otter	Wolf
Goode	Oxley	Young (AK)
Goodlatte	Paul	Young (FL)
Goss	Pence	

NAYS—202

Abercrombie	Allen	Baca
Ackerman	Andrews	Baird

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

NOT VOTING—17

Aderholt	Hastings (FL)	Pickering
Baker	Hilleary	Pitts
Conyers	Lampson	Roukema
Deal	Mascara	Stump
Ehrlich	McKinney	Tanner
Gilman	Murtha	

□ 1707

Mr. GORDON changed his 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.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. FARR of California. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privilege to the House.

The form of the resolution is as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor H.R. 854, legislation that would promote the general welfare of the nation by protecting its health care system.

Whereas President George W. Bush has urged Congress to put Medicare on a “sustainable financial footing” in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation’s public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals, further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately \$700 million in FY 2002 and will be reduced further by about \$900 million in FY 2003, thus severely restricting public hospitals’ ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is appropriately noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California (Mr. FARR) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

Mr. FARR of California. Mr. Speaker, I ask to be heard at the appropriate

time on the question of whether this resolution constitutes a question of privilege.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. CARSON of Indiana. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:

TRANSPORTATION (AMTRAK) PRIVILEGED RESOLUTION

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Transportation Appropriations Act, due to the severe under funding of the National Passenger Rail Corporation (Amtrak) within the President’s Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states 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 the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of \$1.2 billion, and has instead proposed only \$521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member on the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation’s passenger rail system the President’s FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of \$1.2 billion for Amtrak.

□ 1715

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Indiana will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Ms. CARSON of Indiana. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentlewoman will be notified of the time so designated.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CELEBRATING THE MINNESOTA TWINS AND 3M

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, today we would like to talk about a couple of issues that are very important to those of us from Minnesota. One is, of course, what is happening out in Oakland right now and a tremendous story, and I would like to yield to my friend also from the State of Minnesota (Mr. KENNEDY) to talk a little bit about what is happening in Oakland and what happened this year to a Minnesota team that was not supposed to be playing baseball this year.

I would yield to my friend from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I appreciate the gentleman yielding to me.

We have some great baseball going on in Minnesota. I attract the attention of this House that it has only been about a year since Major League Baseball Commissioner Bud Selig announced their decision to contract baseball, which would have been painless for the owners, but would have been very painful for Minnesota, and here we have in that year since a team that has come forth. Not only is this a team that was on the verge of extinction, but this is a team that has a lot of young, fresh-faced players and a cumulative salary that is amongst the lowest in the league.

We have got a great team that is out there scrapping, making all Minnesotans proud. I know my two sons, daughters and our family have always enjoyed the great baseball tradition. I have got my Minnesota Twins hat here. I do not know if I am allowed to sing We Are Going to Win, Twins Are Here, but we in Minnesota are very proud of what the Twins have been doing, and we just want to congratulate them on their success and tell them that we are confident that they are going to have a great way all the way to the World Series and beyond.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, it is a Cinderella story, and 1 year ago it looked as if that team would not even exist this year, and now here they are in the playoffs. And yesterday was another great story; fell behind early, came back to win in Oakland.

Today my staff is gathered around. They rigged up a way that we can actually listen to the game in the office, and we have a feeling they are going to come back today.

We are also proud and we are here today to talk about something that we in Minnesota are proud of, and that is a Minnesota company called Minnesota Mining and Manufacturing, 3M better known, because they are celebrating 100 years of innovation, and it really is one of the most innovative companies.

Several years ago we had one of their researchers come down to Rochester, Minnesota. He gave a speech, and he said something pretty profound. He said that he is talking about basic research, and he said if we knew what we were doing, it would not be research. And there is no other company that I know of that has done so much in terms of developing new products, because many people think of 3M, and they think of Scotch tape or they think of Post-It notes, but truthfully, it started 100 years ago making sandpaper, and now they are a \$1 billion pharmaceutical company.

They are involved in all kinds of things from health care to industrial products, consumer and office products, electrocommunication products and specialty material. They operate in

more than 60 countries. They have 37 international companies within the operation. They have 32 laboratories, and I think last year they were awarded 501 patents. It is an amazing story of innovation, and let me just share one quote, and then I want to yield back to my colleague.

One of their first presidents was a gentleman by the name of William McKnight, and he is the one who ignited the whole notion of innovation and research, but he said, "This higher good, people, leave them alone. If you put fences around people, you get sheep. Give people the room that they need." And he did and built an amazing company and also created an amazing foundation which serves the people of the Upper Midwest and the world even today.

I yield back to my colleague from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague for the time, and 3M is certainly one of the jewels of Minnesota, a wonderful company that, as my colleague described, very capably innovates beyond the scale of just about any other company in the world, and they bring out new products all the time that are solving problems that people face.

I had an opportunity just on the energy issues to sit and listen to some of their ideas for how we can be more energy-efficient, whether it be transmitting energy across electric lines, whether it be making the weight of our cars lighter so they can have the same strength but still use less gas. The number of ideas and innovation that comes out of 3M has been awesome, and we are proud to have them in our State.

I am very proud that in my district I have three plants in Hutchinson and New Ulm and Fairmont. I had the opportunity to visit them. They have got great, wonderful workers, and they have got wonderful workers throughout the company. They treat their workers very well, and we are certainly proud of that.

As part of this 100-year celebration, they are going to be here tomorrow in the Cannon Caucus Room, number 345, from 8:30 to 10:00, and I am proud, to be an American enterprise showcase of their technologies, and we encourage all of our Members to come and see the great things that 3M does.

Mr. GUTKNECHT. Mr. Speaker, that is tomorrow in 345 Cannon House Office Building from 8:30 to 12:30. Snacks will be served. It will be a great time.

THE NATION'S ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, the House has taken little note of what is happening to the economy. Millions of Americans, however, are clamoring for

our attention, and our increasing economic distress, I am not surprised that the House takes little interest in the unemployed. Poor people must live on another planet, not in the United States.

But there has been a recent wake-up call that spreads deep into the middle class, and that is recently released figures on a 2-year decline in the number of uninsured after what had been some steadiness. Recent figures show a decline in health care coverage among many working Americans. I think the Washington Post says it best: There is new evidence that a weakened economy is having adverse ripple effects on ordinary people.

What we see is a drop in the proportion of people who have health benefits. That is usually working Americans who have gotten them as a result of their employment. At the same time, we are seeing a mediocre rise in health insurance costs, up 12.7 percent this year, and then, of course, there is the completely unsustainable increase in prescription drug prices at twice the rate of inflation. All of these health care indicators at the same time show the kind of distress that urgently needs our attention.

Much of the drop in health insurance costs comes from small businesses, 10 percent of it in the last 2 years, but that is where the jobs are. That is where people with health insurance are, and if we want some indication that we are now striking at the heart of our economy, we need only look at the fact that most of those who have lost their health insurance are working men.

Of course, the population that is most without health insurance in our country today are Latinos. A third of Latinos have no health insurance benefits.

What the statistics do not show, Mr. Speaker, however, is where the greatest effect is, I believe, being held, and that is the shift in health care costs from the employer to the employee. When an employer cannot sustain the cost of health benefits anymore, and he shifts to his employee, then we have what in effect is a cost in pay and a lowering of the standard of living, and we know that is what has occurred because 2 weeks ago the Census Bureau reported that the household incomes fell 2.2 percent.

We have not paid any attention in this House to the very rapid increase in unemployment because it started so low, from 3.9 percent 2 years ago to 5.7 percent today. We cannot let it continue to rise that fast. Now we see really the fatal indicator, the health insurance indicator.

This House is about to go home with token health to seniors on prescription drugs, which leaves most of them exactly where they were before that pittance of a bill passed. We have an equally dangerous indicator left on the table, left to fester, and that one is one we should have learned in the past to

take note of, and that is the urgent loss of health care benefits to millions of Americans who had them this time last year, who had them this time 6 months ago, who are afraid more of the loss of health care benefits than they are of the loss of employment. We ought to be very, very careful about going home and leaving people without health insurance.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC., September 26, 2002.

Hon. J. DENNIS HASTERT,

Speaker of the House, Washington, DC

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 25, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. RES. 112, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-718) on the resolution (H. Res. 568) providing for consideration of the joint resolution (H. J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1730

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to take the time allocated to the gentleman from Indiana (Mr. PENCE).

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

There was no objection.

TRIBUTE TO CARL SCHULTZE

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I am 44 years old; and although that is a short time of life, it has been a time of enormous changes. Yet there have been few things that have been consistent. One thing that has been consistent that I have observed in my life is a friend of mine who just passed away, Carl Schultze. He was Mr. Consistency, Mr. Collinsville, Mr. Holy Cross, Mr. Public Servant, Mr. Community Leader.

The record of public service, love of God and family and community has ended with the death of Carl Schultze. Carl Willoughby Schultze, 73, of Collinsville, Illinois, was born July 31, 1929 in Collinsville. Carl started his working career as a car salesman in 1947 for Norwin Chevrolet in downtown Collinsville, Illinois, and retired in 2001 from Jack Schmitt Chevrolet in Collinsville, Illinois.

Carl was an active member of Holy Cross Lutheran Church, the church I attend. He was involved in the church choir. His booming thunderous voice, always on key, served as the foundation of a successful church choir whose sole goal was to glorify God. He was past congregation president, financial secretary, elder, member of the school board and various other boards. He was a past member of the Collinsville Jaycees, was a Collinsville Tepee Adult Board president, and a member of the Collinsville Chamber of Commerce Board of Directors and Collinsville Progress Board of Directors, having been president for 9 years.

In May 2002, Collinsville Progress renamed the Improvement of the Month Award as the Carl Schultze Improvement of the Month Award, presented by the Collinsville Progress. He was a past board member of CMT YWCA, that is Collinsville, Marysville, Troy YMCA, and a past member of the United Way board, serving as chairman in 1990.

He was on the board of directors of the Collinsville Building and Loan Association for 22 years, having been made a board member emeritus, and was a board member of the Collinsville Chorale. He was a very active and involved member of the Kiwanis, an organization that he got me to join, having served as president for two terms, past lieutenant governor of Division 34 of Kiwanis, and received the distinguished lieutenant governor pin, and was a past board member and received the Kiwanian of the Year Award, Hixon Fellow Honor, and the Amador Fellow Honor.

Carl received other awards: the CHS, Collinsville High School, Alumni Award in 2001, the Spirit of Excellence Award in 2001, and the Irvin Dillard Award by the Collinsville Lion's Club. Over the years, Carl enjoyed singing for weddings and funerals, working outside in his garden, and was a dedicated husband, father, and grandfather.

He is survived by his loving wife and high school sweetheart, Mary Lou, and three compassionate and loving daughters, daughter Belinda Schultze, Laura

Schultze, and Lisa Durham of Collinsville. Lisa is my grade school and high school classmate; and her husband, Chris, and Carl's pride and joy, his grandson, Jacob Schultze Durham.

I have split wood with Carl, I have trimmed trees, I built a swing set, sold oranges, and sold bagna calda, and I have worshipped with Carl. He has been a father figure and a mentor. If I accomplish one-half of the good deeds that Carl Schultze has done, I will leave this life a happy man.

As the Bible says, "Well done, good and faithful servant."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE HONORABLE ROMAN PUCINSKI, FORMER MEMBER OF CONGRESS, FORMER CHICAGO ALDERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to the Honorable Roman Pucinski, former Member of Congress, former Chicago alderman, and a great American.

Mr. Speaker, on September 25, the Angel of Death took away the golden voice of Roman Pucinski, formerly fondly known as "Pooch" to those who knew him. Roman Pucinski was a Chicagoan through and through. In a city with strong ethnic ties and heritage, he was a renowned member and leader in the Polish American community.

Pucinski was a household name in Chicago. The proud son of civic leadership, Roman went on to become a reporter-journalist. And what a reporter he was for the Chicago Sun Times. The war interrupted his journalism career, and during World War II Roman was the lead bombardier in the first B-29 "Superfortress" raid on Tokyo in 1944. This was just one of 49 missions in which he flew as part of the Army Air Forces in the Pacific.

He returned home to Chicago and became the chief investigator for a select committee of Congress, investigating the Katyn Forest Massacre. This investigation of slain Poles eventually resulted in his appointment as Illinois division president of the Polish American Congress. Roman Pucinski was then elected to the United States House of

Representatives in 1958 and distinguished himself as an advocate for education, airline safety, and the interest of Chicago. He served 7 terms.

Roman Pucinski was then called upon by his party to run for United States Senate against the very popular Charles Percy. Roman did not win that election. However, he came back the next year and ran for the Chicago City Council as alderman of the 41st Ward. He was elected and became an icon, serving for 18 years.

Roman Pucinski was an outstanding orator and a skilled debater who loved to talk, and talk he did. I served with Roman in the Chicago City Council, and though we were often pitted against each other as a result of membership in and alliances with different political forces, we became great friends and worked well together.

He leaves to cherish a great legacy of service and representation, and to mourn his passing, many friends and a devoted family, his daughter Aurelia, who was elected and served as Clerk of the Circuit Court of Cook County, a son, a brother, a sister, and three grandchildren.

Roman Pucinski encouraged me to run for Congress and would often say that he would come and speak for or against me, whichever would help the most. Roman, you were right again. Congress is indeed an interesting, exciting, and challenging place where one can help to shape the world. I say, Thanks to you, and good-bye, my friend.

42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am proud to come to the House floor today to mark the 42nd anniversary of the independence of the Republic of Cyprus. Despite the tragic events that have taken place during the past 4 decades, the Government of the Republic of Cyprus remains committed to the core principles enshrined in the Cyprus constitution guaranteeing the basic rights and freedoms of the people of Cyprus, Greek Cypriots and Turkish Cypriots alike.

Members of this Congress have strongly supported the Republic of Cyprus. Resolutions have been introduced in the House and Senate expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can best be achieved within the context of membership in the European Union, which will provide significant rights and obligations for all Cypriots. The legislation has strong support in the House, having been unanimously approved by the Subcommittee on Europe of the House Committee on International Relations. The Senate has also passed this legislation out of their

Committee on Foreign Relations unanimously. The House version has 83 bipartisan cosponsors, and the legislation echoes longstanding U.S. policy in support of Cyprus' accession to the European Union.

Mr. Speaker, the commemoration of Cyprus' Independence Day this year, as in the past 28 years, is complicated significantly by the fact that over a third of the island nation's territory continues to be illegally occupied by the Turkish military forces, in violation of U.N. Security Council resolutions. In spite of this, Cyprus remains committed to achieving a resolution of this military problem through peaceful negotiations.

On July 20 of 1974, Turkey invaded Cyprus and to this day continues to maintain 35,000 heavily armed troops in the occupied territory. Nearly 200,000 Greek Cypriots were forcibly evicted from their homes, became refugees in their own country, and fell victim to a policy of ethnic cleansing. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a "unilateral declaration of independence" in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted secession. To date, no other country in the world, except Turkey, recognized the so-called "Turkish Republic of Northern Cyprus."

In 1999, the Security Council reaffirmed that "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two politically equal communities." These parameters have been reiterated by the Security Council on several occasions.

In a landmark decision on May 10 of 2001, the European Court of Human Rights found Turkey responsible for continuing violations of human rights. The court decision emphasized that the Republic of Cyprus is the sole legitimate government of Cyprus, and pointed out Turkey is engaged in the policies and actions of the illegal occupation regime.

In the face of a short, but painful, history of the Republic of Cyprus, there has been remarkable economic growth for those individuals living in the government-controlled areas. Sadly, the people living in the occupied area continue to be mired in poverty as a result of the policies pursued by the Turkish leadership and the occupying power. These issues would be resolved if Turkey would withdraw their illegal occupation and allow the democratic government of the Republic of Cyprus to run its own affairs.

And I hope, Mr. Speaker, that we see that day soon when we see democracy and unity for all of Cyprus.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO AMERICA'S FALLEN FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, as National Firefighter Memorial Weekend approaches, I rise to pay tribute to our Nation's fallen firefighters; and I am pleased that a number of my colleagues have joined me in legislation on this and may come later in the evening to speak in favor of this bipartisan legislation that we have introduced on behalf of our fallen firefighters.

Last year, America tragically lost 442 firefighters. Each gave their lives protecting our communities from fire and other emergencies. This weekend, on October 5 and 6, we will join together as a Nation to mourn their passing and honor their sacrifices. So it is fitting that we come to this floor today to honor the memory of our fallen firefighters and say thank you to those brave folks who have served our community so well.

Mr. Speaker, firefighters truly embody the value and spirit that makes America what it is today, a great Nation. Firefighters are diverse, they represent every race and creed and culture in America, yet they are bound by a common commitment to service. Firefighters are dedicated; and when we call them, they risk their lives for each of us. They are the people our children look up to. When we ask a child the timeless question, What do you want to be when you grow up?, nowadays, more often than not, those children will say, I want to be a firefighter.

Our firefighters are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty. For the families of these brave souls, Congress created the Public Safety Officers Benefit Act. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate time of need.

□ 1745

However, a glitch in the law prevents some families from receiving the assistance that Congress had intended. If a firefighter or public safety officer has a heart attack or stroke, then they are more likely not to get the benefit. The truth is it accounts for almost half of

all firefighter fatalities, yet the families of these fallen firefighters are rarely eligible for these benefits.

For example, imagine that a house or business catches on fire, a company of firefighters tragically lose two of their members fighting this fire. One loses their life as a result of a piece of debris hitting him within the building, and the other dies of a heart attack in the parking lot when they walk out of the building.

Under current law, the family of the firefighter who suffered a fatal blow to the head received the benefit, while the firefighter who walked out in the parking lot and had a heart attack, their family gets nothing. It is wrong that these families are denied this benefit when the loved one sacrifices their life while serving our community.

A constituent of mine, Mike Williams of Bunnlevel, who works in the Office of the State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks, a firefighter from Lumberton, was denied benefits because of this technicality. Mr. Brooks, a master firefighter, tragically died of a heart attack after running several calls on the evening shift. As part of his duties with the State Fire Marshal's office, Mike helps families fill out public safety officer benefits, and he had received many of these benefit rejection letters from cardiac cases from the U.S. Department of Justice.

The rejection letter in Thomas Brooks' case was one too many, and Mike wrote to me and asked that we investigate the situation. We found out that it would take legislation to do it. As a result, the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. WELDON), who are cochairmen of the Firefighters Caucus, and the gentleman from Michigan (Mr. SMITH) along with many others, have introduced H.R. 5334, the Hometown Heroes Survivors Benefits Act. H.R. 5334 will correct this technicality in the law that has penalized so many of our firefighting families.

This bipartisan legislation will provide this benefit to the families of public safety officers who have died after a heart attack or a stroke while on duty, or within 24 hours after participating in a training exercise or responding to an emergency situation.

Mr. Speaker, H.R. 5334 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon we have 50 cosponsors, and more cosponsors on the way. I urge Members to cosponsor H.R. 5334, and I ask the House leadership to put this bill to a vote before this Congress adjourns. Our firefighters put their lives on the line where strength, heart and desire are sometimes the only thing that ensures that a piece of property or a house that is burning down can be saved. Our hometown heroes deserve our support. Let us let them know that we appreciate their bravery and heroism.

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

(Mr. HOYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NO CHILD LEFT BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise today to support full funding for the "No Child Left Behind" Act (H.R. 1). The new little red schoolhouse entrances to the Department of Education building are a perfect example that the Administration is "all show and no tell" when it comes to education. By building those little red schoolhouses, at a cost of \$98,000, at least 160 children have already been left behind by the Administration's cuts in education funding. The Bush Administration thinks that the American people will see those schoolhouses and believe that the Nation's children are in good hands under the Bush education system.

The American people know better. Americans will notice when after school programs are no longer available for their children. Americans will notice when their special needs children cannot get extra help from their own community schools.

Americans will notice when their teachers become frustrated because they can't get the training they need to provide the best quality instruction to their students. Americans will notice when these same teachers have to leave their students because they can't get the training required to meet the Administration's new accountability standards. Americans will notice when their kids can't receive as much in student loans, and don't have access to scholarships for low-income students. And, Americans will notice when their kids who need help with their English skills are falling behind because their schools no longer provide training in English.

Since 1997, the average increase in Federal education funding has been 12 percent a year—until now.

The Bush Administration proposes to increase Federal funding by only 0.5 percent, but flaunts the "No Child Left Behind" Act as its first big accomplishment.

If leaving millions of children out in the cold when it comes to their education is an accomplishment, then dark times lay ahead.

The Bush Administration has slashed about 82 percent of the budget increase promised by the "No Child Left Behind" Act for low-income students.

The President's budget cuts the expected increase for low-income students from \$5.65 billion to only \$1 billion extracted from other important programs.

Low-income students can expect to lose over \$664 million in badly needed funds.

English language training programs will now face a freeze in funding even though 300,000 students with limited English will enroll in school next year.

The Bush budget cuts English language training funding by almost 10 percent per child, but still requires testing of these students to determine how to bring students up to new standards.

We should be helping school districts like those in my Congressional district, which are struggling to make good on their promise to hire more bilingual teachers to help the growing number of Spanish-speaking children.

Instead, the Bush budget cuts funding for bilingual education and teacher training.

The Bush administration's budget cuts special education programs by so much that the goals set by the Individuals with Disabilities Act (IDEA) cannot be met for at least 12 more years.

Special Education is underfunded by \$500 million. The "No Child Left Behind" Act requires that IDEA be met in 7 years, not 12.

The funds for the Teacher Quality State Grant program, which is the primary Federal program for training teachers in core academic subjects, have come to a halt.

92,000 fewer teachers will be trained than the Program currently supports. The Bush Administration's budget is \$404 million below the amount promised in the "No Child Left Behind" for teacher training.

The Republican budget also freezes child care funding and includes only a slight increase for Head Start. This will reduce the number of children already eligible and leave millions empty-handed.

The Administration fails to fund its vital education program that claims to leave no child behind. It seems that Republicans think that simply by naming the education bill "No Child Left Behind," they are keeping their promise to the American people. Americans know better! Americans deserve better!

I urge both the Administration and the Members of Congress to fully fund the "No Child Left Behind" Act for the sake of our children.

CHALLENGES FACING OUR FIRE DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, as a supporter of the bill of the gentleman from North Carolina (Mr. ETHERIDGE) and the effort of this Congress to be more aggressive in support of our firefighters, I very much encourage the consideration and ultimate passage of legislation that will accomplish that.

This morning we held a hearing in the Committee on Science to examine just how the Federal Government can help ensure that our Nation's fire departments are adequately equipped and staffed to perform the jobs they have been asked to do. The hearing shed light on the challenges facing our fire departments. I would like to talk about a couple of those challenges.

First, the need of the firefighting community to work together on these efforts. Our challenge and our goal is

to increase support for firefighters in this country. After 9/11 of last year, I think all of America recognized that we depend a great deal on our first responders. The firefighters in New York set an example for people all over the world that it takes cooperation if we are going to protect the liberty and freedom that we have.

One concern I have is the contest that has been developing between volunteers and full-time firefighters. I think we need to do everything we can so all of our first responders, firefighters and medics work together to accomplish the goals that we need to accomplish at the Federal level.

In my home State of Michigan, the Professional Firefighters Union has been pressuring their members not to volunteer in their home communities because they might displace potential union members. The events of September 11 generated a renewed appreciation and respect for firefighters.

Two years ago, Members of the House started a program of helping fire departments around the country with equipment and with training. I think we should remind ourselves that many of these first responders are in small communities that cannot depend on a fire department that is 100 miles away. The only way a lot of these communities can survive is to have volunteers that can work in those departments. Where else do we have volunteers that are willing to go out and risk their lives to protect our property and our lives?

The grant program that we established provided direct support to fire departments around the country for basic firefighting needs. In its initial year, the program proved to be very popular with both fire services and Members of Congress. Additionally, the U.S. Fire Administration received extensive praise for an exceptional job of developing and implementing the program efficiently under challenging time constraints.

In my mind, the need-based peer-reviewed grant program is an excellent example of how the Federal Government can assist the first responders, both paid full-time people and volunteers, with the basic training and equipment they need to answer our calls.

If we lose volunteers in those very small communities, it will be a tremendous financial burden to maintain the kind of protection that we have now. This has got to be a situation where we work together.

Those of us in the Fire Caucus, while supportive of a grant program to increase terrorism preparedness, quickly recognized that the Assistance to Firefighters Grant Program was intended to provide fundamental firefighting support to departments, and should be kept separate and distinct from the FEMA counterterrorism funds that the President proposed.

Further complicating this problem has been language in the proposed

Homeland Security legislation that gives the FEMA Administrator and the Secretary of the new department authority to shift funds among programs. There is a real concern now that this authority, while understandable for administrative flexibility, could eliminate the basic program that several of us thought was very important that we implement in this country.

In conclusion, let me say that firefighters around this country are there when there is a community project. In many places they hold baked good sales to make sure that they can buy the equipment to protect us in those local communities. We need local support for these firefighters, we need more State support for these firefighters, and we need more Federal support for these firefighters.

Mr. Speaker, I would like to commend the United States Fire Administration that my science research subcommittee oversees for their hard work and commitment in bringing the goals of this program to fruition. Administrator David Paulison and grants director Bryan Cowan have gone above and beyond the call of duty.

DEMOCRATS ARE WORKING TO GET OUR ECONOMY BACK ON TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on a separate point from what I wish to discuss this evening, let me acknowledge that I had an opportunity to meet with one of my firefighters from Houston, Texas, and I do want to emphasize the important role that firefighters play in homeland security and as first responders.

I hope that we will be able to address their concerns, particularly as it relates to one legislative initiative that I am supporting dealing with H.R. 3992 which addresses the question of providing the added resources and personnel to ensure that both fire trucks and fire stations are well equipped with the necessary personnel. I believe however we resolve these matters dealing with volunteer firefighters as well as our full-time firefighters, we do realize that they are, in fact, very viable and vital first responders, and we should address their concerns.

It is my sense and position to move and hope that we will move H.R. 3992 as expeditiously as we can. We had a hearing in the Committee on Science, and I hope that we will be able to do that on behalf of the American people.

Mr. Speaker, I believe there is a lot that we can do on behalf of the American people, and as I have watched the base of the economy crumble beneath us, if we really went back home and asked who is hurting or what needed to be improved or corrected, most would say that they would ask that we get the economy back on track.

It is important that the voice of those Democrats who are seeking to do so be heard. I am somewhat disturbed that the House majority has failed to address the real serious questions of the economy. In the backdrop of a very high and moral decision of whether or not this Nation goes to war, we have lost all sight of those who are hurting.

Let me just give some points that are worth noting. Household income is down for the first time since 1991. This is not household income of those who can afford to throw away a few dollars, cut out one more midwinter trip away to the islands or to some European attractive vacation spot. This is the household income of those who are trying to make ends meet, trying to send young people to college, pay their mortgages, or, like in the State of Texas, trying to scurry around to find substitute insurance to the Farmers Insurance Company that has shut down in Texas, causing 700,000 families not to have home insurance. This is real. Mr. Speaker, I have sent a letter to the Attorney General of the United States, and I am waiting for a response, for him to determine how he can be of assistance to those 700,000 families in Texas.

Poverty is up for the first time since 1993, affecting 1.3 million more families than last year; 1.8 million jobs have been lost, and unemployment is up 5.7 percent. Health care costs are soaring; and again we say to the senior citizens in our community, prescription drugs prices are five times the rate of inflation, but yet this body has not been able to pass a guaranteed Medicare prescription drug benefit. People are hurting.

□ 1800

The stock market has lost \$4.5 trillion of its value, more than was lost in the Hoover administration in that collapse. All of the history books will point to the stock market crash of 1928. We have surpassed that. The market just ended its worst quarter since the crash of 1987.

Thousands of employees have seen their retirement savings evaporate. 401(k) and other defined contribution plans lost \$210 billion. The index of leading economic indicators fell .2 percent this month, double the decline experts had expected. And a \$5.6 trillion surplus has become a \$2 trillion deficit.

We have work to do, Mr. Speaker, and we are not doing it. Thousands and thousands, I am exaggerating, of course, hundreds and hundreds, tens of tens of suspension bills going nowhere; but yet we are failing to address the pain and the hurt of those who are suffering from this economy. We have got to strengthen pensions by giving employees the same protections that executives get. We have got to allow those who are living with companies that are bankrupt, Mr. Speaker, to go into the bankruptcy court, pass a prescription drug benefit, protect Social Security, and provide jobs. I simply ask for this Congress to do its work.

GUAM'S POSITION IN LIGHT OF IRAQI SITUATION

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today as we look upon the world situation and we are confronting the possibility of a renewed struggle in the Middle East and trying to deal with all the challenges that we face as a result of the activities and actions of Saddam Hussein, it is important for me as the representative of Guam to inform the House about what the impact all of this may have on communities around the country, and particularly Guam.

We are on the precipice of a new struggle, and we will have some time to review and debate that particular resolution which may authorize military activities in that part of the world next week; but the military challenges that we face and the strategic challenges that we face, even though they affect the entire Nation, they do not affect all the communities around the country in the same way; and certainly we the people of Guam will feel the effects of this in many disproportionate ways.

Guam is known primarily as a strategic area, as a place from which we can triangulate armed conflict. It is a military base for the Navy and for the Air Force. There has been recent discussion about the placement of bomber squadrons there at Anderson Air Force Base, and new submarines are going to be home-ported in Guam. All of that is welcomed by the people of Guam because, indeed, we are patriotic Americans.

In fact, today I just got an e-mail from an Air Force captain asking me for some remarks in order that he might swear in an airman. Both of them are in Kabul. The airman is going to be reenlisted there in Afghanistan. Our people are disproportionately in high numbers in armed services. We support the military. But as we look upon what the effects of this struggle might be and even though it may lead to a bump-up in military activities in Guam, we are directly economically challenged by this because our economy is based primarily on tourism and 80 percent of our visitors come from Japan and nothing is more disconcerting to Japanese tourists than the prospect of war and conflict. If the situation which occurred in Guam immediately after the Gulf War crisis or immediately after September 11 last year again exists as a result of this armed conflict, we will see a dramatic downturn in tourism. A downturn in tourism is already in effect as a result of 9-11 and is already in effect simply because of the economic malaise that continues to obtain in Japan. But more so than that, if this armed conflict comes about, even the discussion of it will lead to a reduction in numbers.

Guam will stand ready to do its part. It did its part even in the evacuation of

the Kurdish refugees in 1996 under Operation Pacific Haven. They were sent to Guam. When there was no overflight authority granted to conduct bombing raids on Iraq at a couple of times in the past few years, those bombers were prepositioned in Guam and then taken directly to Iraq.

But I point this out not because the people of Guam will not be in support, but because really the people of Guam deserve additional consideration should this series of economic downturns occur as a result of any conflict or even the discussion of conflict. Immediately after the 9-11 situation, there were a couple of proposals offered for economic recovery. In that effort, the House was not receptive to inclusion of the territories in that economic recovery package. While in the other body the economic recovery package was more receptive to the inclusion of Guam and other territories, that economic package never was successful.

Indeed, at the end of the day, the economic assistance that was given directly to the territories was minimal at best. But we have a new situation that we are confronted with and the people of Guam because of their long contributions to the strategic posture of the United States and because of their contributions not only in terms of their support for the military in Guam but their own participation in Guam I think should be treated with some regard. I think the people of Guam deserve to be treated according to their contribution to national security and national defense and simply not be utilized on the basis of its value from time to time.

And so as we take a look at the world situation today and as we will go over the details of the resolution, we must be mindful that this effect, the economic effects on communities will be disproportionate around the country, and we should be mindful of those so that when we construct some initiatives that we give each community its due.

FISCAL REVERSAL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, I rise tonight along with my colleagues to address an issue of great importance which is receiving hardly any attention at all. It is about our fiscal reversal, about the tide of red ink that has overtaken our budget, about the resurgence of deficits that we thought after long, long years of trying we had finally laid to rest. Lost in the clutter, drowned by the drums of war, the deficit sinks deeper and deeper and deeper; and there is no apparent plan by this administration or this Congress to deal with the problem.

You can look at this chart here which shows graphically the deficit and

how we have grappled with it over the years and see what a difficult struggle it has been. The surpluses that we had for a brief period of time did not come easily. They did not drop like manna out of heaven upon the Earth beneath. In the Reagan-Bush years, we adopted in 1985 something called Gramm-Rudman-Hollings. It did not work, but it did help us focus attention and frame the problem and turn the attention of the Congress to deficit reduction as a top-drawer concern.

When Bill Clinton came to office in 1992, we had reached an agreement a couple of years before with President Bush I, George Herbert Walker Bush, called the budget summit agreement. It was 6 months in the making. Its effects were eclipsed by a recession. It did not appear to have succeeded, but in fact it laid the basis for the surpluses that we were to enjoy in the latter part of the 1990s.

President Clinton sent us a budget plan on February 17, less than a month after he was in office, to show the significance he attributed to the problem. And look what happened. This red ink here represents the deficits accumulated, the precipitous decline in the budget during the Reagan years. This represents the dramatic improvement. Every year from 1993 through the year 2000, every year the Clinton administration was in office as a result of the Clinton budget adopted in 1993, the budget got better, the bottom line of the budget got better, so much so that by the year 1998, the Federal Government achieved the first unified balanced budget in 29 years. Unified means all the accounts of the budget, Social Security, Medicare, all the trust funds which are in surplus, and that helped.

But in fiscal year 1999, we achieved the first balanced budget in 39 years without using the Social Security trust fund, without counting the Social Security trust fund, the first balanced budget in 39 years. Nobody would have even bet money on enormous odds that that could have been done in 1993 when the deficit was \$290 billion, but we did it in 1999. And in the year 2000, the Federal Government achieved its first surplus excluding Social Security and Medicare. Backing the surplus in both of those accounts out of the budget, we had a surplus for the first time in the overall budget.

In effect, what we did then, it is hard to believe now, less than 2 years ago, this was the situation of the budget; this was the situation that we presented to President Bush, the second President Bush when he came to office on January 20, 2001. For the first time in recent history, certainly since the Great Depression, for the first time, we presented President Bush with a budget in surplus, big-time surplus. By the estimation of his Office of Management and Budget, the surplus looming over the next 10 years would accumulate altogether to a total of \$5.6 trillion. In 2 years, that surplus is virtually gone.

As this next chart will show, what happened to the \$5.6 trillion? This layered graph right here represents the \$5.6 trillion that accumulated between 2002 and 2011, over that 10-year period of time. The little green tip at the far end, the upper layer, shows you the surplus that we presented President Bush when he came to office. It was his. An enormous advantage. He then took the estimate of \$5.6 trillion and basically bet the budget on what was a blue-sky forecast. In doing so, as you can see from this top green layer, the remaining surplus, he left next to no room for errors and no room for the unexpected. And, guess what, there were estimating errors of major proportions and the unexpected, 9–11, came along.

When it came, we had no reserve, we had no cushion, we had no margin; and the consequence was the surplus that we had depended upon turned out to be about 43 percent lower than we had anticipated, 10 percent of it because the economy was overestimated, another 33 percent because we bet the budget on the assumption that the revenue growth of the 1990s would continue.

Here is the bottom line in about as stark a manner as we can possibly present it. This was the surplus in May 2001 when this body, the House of Representatives, under Republican leadership, passed the Republican budget resolution that called for about \$1.4 trillion in tax cuts. In addition to that, the additional interest cost would have been about \$400 billion on top of that. Here is where we are in August 2002 as a result of not allowing any margin of error or any margin for misestimation or any margin for the unexpected.

Tonight we want to address that problem and the consequences of it because what has happened is the most dramatic reversal we have seen probably since the Great Depression in the fortunes of the Federal budget. Just 2 years ago, it is hard to believe that every year for 8 years we had seen a better bottom line. Now every year the budget is in deficit for the next 10 years if you do not include the Social Security surplus, and by law we are not supposed to include the Social Security surplus. It is a trust fund surplus. The deficit this year by our best estimation will be about \$315 billion, excluding the surplus in Social Security. Next year, 2003, it is barely better, \$315 billion. These are estimates of the Congressional Budget Office, our mutual non-partisan budget office that does this work for us with no axes to grind. That is their best guess, that next year the budget gets no better. Even though the economy, they assume, will get better, we still have a deficit of \$315 billion.

□ 1815

The next year, 2004, it is \$299 billion. Over the next 10 years, this is a base-line forecast, assuming no change in policy except enough to keep up pace with inflation, we will accumulate in the basic budget \$2 trillion in deficits, and if we factor into that estimation

policies that we believe will be enacted, tax cuts that we believe will be enacted, changes that we believe have a good possibility of being enacted, CBO does not include them in its base-line forecast. When we adjust this forecast for political reality, things in the pipeline and likely to be passed, we add at least another trillion dollars to that total.

So here we were 2 years ago talking about a better and better bottom line. Now we are talking about a budget with deficits as far as the eye can see. Two years ago we were talking about paying off in earnest, both parties, literally talking about paying off \$3.6 trillion in national debt held by the public. Today we are talking about or looking towards, unless we do something dramatic, a national debt that actually increases over that period of time. From total payoff to an enormous increase.

Finally, just 2 years ago we were talking about taking the trust fund in Social Security and the trust fund in Medicare and locking it up in a lockbox. That metaphor is now derided, but nevertheless we were all that talking about not spending that money, using it solely to buy up the debt held by the public so we would reduce the debt, add to the net national savings of this country, and as a consequence lay the basis for the first step towards the long-run solvency of Social Security. All of that has been dashed by the budget policies of the last 2 years, and that is what we would like to address tonight.

I yield to the gentleman from North Carolina (Mr. PRICE) to pick up at this point.

Mr. PRICE of North Carolina. I thank the gentleman for yielding, and I thank him for this enlightening presentation of just how serious our budget difficulties are and how we got here. As the gentleman realizes, the consequences are evident not just in these overall budget numbers, but in the dilemma we currently face with respect to getting the Nation's business done by the start of the fiscal year and passing our appropriations bills on schedule.

If someone could prepare chart 18, I believe that would give us an indication of how our situation this year compares with past years.

Since President Bush took office in 2001, our Republican friends have held out the promise that we could have it all, that oversized Republican tax cuts would not require tapping Social Security and Medicare surpluses, and it would not require underfunding key priorities such as education and health care.

Unfortunately, however, we cannot have it all, and it is not just because of the war on terrorism, although that has had an impact on the budget, but the cushion was not there to withstand that change in the budget or the impact of Medicare and Medicaid costs. The fact is that that cushion has never

been present, and now we are in a situation where our Republican friends simply cannot get their business done. They cannot pass the appropriations bills necessary to take us into the next fiscal year.

Mr. BENTSEN. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, is the chart that the gentleman from North Carolina (Mr. PRICE) was talking about the chart right here that shows that from 1993 through 2002, the number of appropriations bills that have been passed by the House before the beginning of the new fiscal year, and I think down here if I can see it, it is 2002 where the House has passed only 5 of the 13 appropriations bills? Is that the chart that the gentleman is talking about?

Mr. PRICE of North Carolina. That is the chart I am talking about. I appreciate the gentleman's pointing this out. Our Republican friends last week, when we were discussing this as the new fiscal year approached, they said it is not unusual to pass continuing resolutions. We pass continuing resolutions all time. It is certainly unusual to have the entire Federal budget come crashing down and to have the entire government running on continuing resolutions for months and months into the new fiscal year, and that is exactly what we are facing today.

The Republicans in July, Republican Conservative Action Team, the group of the most conservative House Republicans, threatened to bring the Interior appropriations bill down, and they said that the price of their cooperation would be that the Labor-HHS-Education appropriations bill would be considered next, and nothing would be done on appropriations until that bill was dealt with. And I wondered, and I expect all of us wondered during the month of August when we were home, how are Republican leaders, in fact, going to pass that Labor-HHS-Education appropriations bill within the President's totally inadequate numbers? How would we get past this bill to the rest of the appropriations agenda before the new fiscal year began?

But I must say it did not occur to me, never did it cross my mind, that Republican leaders would simply disregard the start of the fiscal year and let the entire budget come crashing down all to appease the most right-wing members of their caucus.

The President and his OMB Director are apparently complicit in this strategy. Actually it is an absence of strategy. It is just a dereliction of duty, irresponsibility on a monumental scale. So what I never dreamed would happen has happened indeed, and the continuing resolution that we voted on last week did not just cover one bill or two, it covered the entire discretionary budget.

So the gentleman is correct. We passed in the House five appropriations bills, and that is a modern record, but the number of appropriations bills that have been sent to the President is ex-

actly zero, and that, of course, is an institutional breakdown that does not just mean that this institution has failed to do its duty. It has real consequences for the people we represent.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT), the senior Democrat on the Committee on the Budget, for yielding to me, and I thank the gentleman from North Carolina (Mr. PRICE). I want to make sure that we got that, that the House has only passed 5 of the 13 appropriations bills by the end of the last fiscal year.

I want to go back to this chart because I think is terribly important. Last year when we began putting together the budget for fiscal year 2002 and really putting together the Republican economic program for the next 10 years, we were told that the unified budget surplus would be \$5.6 trillion over the next 10 years after a lot of hard work by the American people, by American taxpayers, to dig us out of the years of deficits and debt that quadrupled the national debt. And, in fact, as the gentleman will remember, we had tremendous arguments about not how much more debt we were going to add, but how much debt we could pay down and how fast we could pay it down. But we were told this is the number, \$5.6 trillion, even though the Congressional Budget Office told us there was a margin of error of 20 percent, good or bad, over a short period of time, that these numbers could be off, but that we should accept this number.

Lo and behold in really a year's time, we now see that the number is no longer \$5.6 trillion, but rather it is \$300 billion. That is a substantial error, and what that means is that rather than talking about paying down the national debt and having money left over to fix Social Security and Medicare for the long haul, what it means is we are now deep back into borrowing against Social Security and Medicare. What that means is we are not just going to argue about paying down debt, we are going to have down the road, in just 8 short years when the baby boomers retire, having to borrow trillions of dollars from the public markets in order to fund Social Security without doing one thing to extend its life. We have dug ourselves deep in the hole.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, the gentleman may remember that a little over a year ago, the Secretary of the Treasury was expressing concern that the Nation was going to pay down the public debt too quickly. Is that a problem that we now need to worry about?

Mr. BENTSEN. No. The Republican economic program has solved that problem. There is no risk now of our paying down the national debt. In fact, if the gentleman will look here on the

projections what we received from the Congressional Budget Office, last year the debt baseline was looking like it would go down, and really by 2008 we would have paid down the publicly held debt completely. What has now occurred as of this August is our baseline has the debt actually going up from where we are today.

The bigger problem goes beyond this because this is just a current service debt. This does not tell us anything about the public debt that will be required at the time that the baby boomers begin to retire in earnest and we have to convert the bonds held by the trust fund in the public debt. So not only do we not have the trillion dollars that we were told was being set aside in the Social Security Trust Fund to fix Social Security for the long haul, we, in fact, are going to have to borrow several trillion more dollars in order to, one, just to meet obligations that already exist on the books, not to mention the trillion or so more that will be necessary to ensure that every American in the Social Security System gets the benefits that this country long ago decided was something we want do.

Mr. PRICE of North Carolina. This, of course, also means that we are paying interest, far more interest in servicing that publicly held debt than was anticipated last year.

Mr. BENTSEN. In fact, that is true. We now are projected to pay three times the amount of interest over the next 10 years, almost \$2 trillion, as opposed to a little more than half a trillion dollars that we were looking at last May of 2001. This is \$2 trillion that goes nowhere but out the door, into the pockets of bond holders. It is good for the bond holders, but it means we are not buying any hard assets with the American people's hard-earned tax dollars, whether it is tanks, whether it is more school books, whether it is more health care, prescription drugs. All that is gone because now we are adding debt, not paying down debt.

Mr. PRICE of North Carolina. The money that we pay in this interest on the debt, money down the rat hole, one might say, each year over \$200 billion. I wonder if there is anyone in this Chamber who could not think of better public and private uses for those funds than simply paying interest on the debt. And as we look forward to the retirement of the baby boomers and the reversal of the cash flow in Social Security, is it not true that to prepare, to prepare to start redeeming those bonds that the Social Security Trust Fund is holding and making good on those obligations, is there any better way we could prepare for that than to pay down the publicly held debt and get rid of this \$200 billion burden around our necks every year in interest payments?

Mr. BENTSEN. There is no question. Two things. Number one, if we were not paying this interest and we were paying down the debt, number one, we could fund a program like a universal

prescription drug program for senior citizens who are crying out for it. We could put more money in education like the President says that he wants to do. We could fund the defense build-up that many feel is necessary.

But the second thing that is terribly important, and the gentleman raises this point, the United States runs a very high current account deficit based upon cash flows which we can afford because of the strength of our economy, although it is fairly flat right now. If we run a high fiscal deficit as well at the time that we have to start selling even more debt into the future, we run the chance of driving down our currency and driving down the value in the American economy that we will pay for for many years. We see this in countries like Argentina and others. It should not happen in the United States.

So I thank the gentleman for the question.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I am most honored to be a member of the Committee on the Budget, and I want to commend the gentleman from South Carolina (Mr. SPRATT) and the other members of our committee this evening for laying out what I think is a critical message at a moment of critical importance.

I came to this Congress just about 4 years ago at a moment of what I regarded as real opportunity. I was excited about the fact that we were whittling away at the deficit and, in fact, on this upswing towards surplus. We were really paying down our national debt, and things were going in an extraordinarily hopeful direction. I viewed the moment that I came to Congress as an opportunity to start responding to some unmet challenges in this Nation. Perhaps we could call it righting the domestic wrongs that still exist.

□ 1830

Well, clearly, we are now in a very, very different time. We are now looking at deficits for as far as the eye can see and squandering an opportunity which I think has been squandered for a wide multiplicity of reasons, but a number of them have to do with ill-advised policies enacted by the majority in this last 2 years.

My constituents are worried. My constituents are very concerned about the country's economic security. They are worried about their family's financial security; they are worried about their retirement security; they are worried about their health security.

Mr. Speaker, looking at chart 8, I want to just talk about the direction that we are going in, and I think this is subtitled, what should be going down is going up, and what should be going up is going down. If my role this evening is nothing else, I know that my colleagues laid a good groundwork on the

big picture. I want to really localize this issue. I want to put a face on what is happening with our economy and the stewardship that we are not seeing of it right now.

I want to focus right in on that second one on that list, the health care costs, because I cannot spend a moment in my district in Wisconsin without hearing the incredible concerns that people have. Whether it is a small businessowner who talks not about double digit increases, but sometimes 40, 50 percent health insurance increases; or a person who has just gone through a bargaining session with their employer and their entire cost-of-living increase has been wiped out by the health care costs; or whether it is one of my self-employed farmers who, at times of historic low commodity prices, can hardly afford, and many are not covering, their families any longer with health insurance because of the costs; whether it is the senior citizen who is struggling, once again, to try to figure out how to maintain their health, extend their life with a needed medication, but they cannot either afford that or maintain their other basic necessities; or whether it is the total lack of attention in this Congress on the plight of the uninsured and the underinsured. These are the people, these are the faces, these are the impacts that are being felt by the economic situation that we find ourselves in.

Mr. Speaker, I can tell my colleagues that my constituents are asking questions. They are asking, What is on the congressional agenda? Why are you spending all of your time passing senses of the House and telling the other body what they should or should not be doing when we have an economic situation here in the country that needs your attention, that needs addressing immediately? The inactivity, the inaction on the part of the majority of this House is inexcusable at this time of great stress and great tension and great anxiety in our districts, and we have to see that turn around.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I am going to just let the charts tell the story. We have seen this chart. We do not create a graph like this by accident. My colleagues will notice that the Carter administration left a deficit; Reagan and Bush came in, they passed their budget, they never suffered a veto override. President Clinton came in, passed a budget without a single Republican vote, vetoed some Republican budgets when the Republicans took over the House and the Senate, and maintained fiscal responsibility to a surplus and, in one year, we are back down to a deficit.

Now, it is interesting to say, if we could see the next chart, that we are down to where we started; and it is going to get worse before it gets better.

If we look at the surplus that was inherited in the year 2000, 2001, this yellow line is Medicare. We spent all of Medicare. The red line is the Social Security surplus. By next year we will have gone through all of the Social Security surplus and then some deficit on top of that. For the rest of the Bush Presidential term, he will be spending all of Medicare, all of the Social Security surplus that we have promised to protect, and then, running up a deficit on top of that. In fact, for the next 10 years we will be dipping into Medicare and Social Security that we promised to save.

Mr. Speaker, if I could see the next chart. How did this happen? According to OMB, 40 percent of that was because of tax cuts which we will remember were mostly to benefit the upper income. What happens as a result of this? We see on the next chart, number 9, we see the economic growth, the worst we have had in 50 years. We have seen on chart number 1, we have seen the number of jobs held by Americans is down. On the next chart, number 12, unemployment is up a third. We see foreclosures, how home foreclosures are going up month after month. We have another chart showing the stock market, and I think people are familiar with what that chart would look like.

And what are we doing? Chart number 18 shows that every year for the past 10 years we have passed either all 13, 12, 12 or 13 of the appropriations bills by the first of the year. This is what the House does. Not blaming it on the Senate, the House can pass its bills. We may have an excuse that the House and Senate cannot agree. This is just what the House did in 2002, only 5 of the 13 appropriations bills have been passed. And what are the proposals? There are no proposals, other than just passing 5 of the 13.

Now, a great political philosopher once said, "If you don't change directions, you might end up where you're headed."

Let us see where we were headed in May of 2001. We would have paid off the entire national debt held by the public by 2008. The discussion was, What are the economic implications in paying off the debt? What will it do to the bond market? That was the discussion that we would have had, a surplus of Social Security and Medicare, so that the money would be there when the baby boomers, like myself, retire; the money would be there. But no, we passed by 2002 legislation that has resulted in a debt; essentially nothing paid off.

Mr. Speaker, it is going to get worse before it gets better, because if we look up here, if we adopt the policies of this administration, we are going to be running up even more debt. We need to change. If September 11 was the cause of this, then we need to change policies. In past years when we had a war, we sacrificed. We do not give juicy tax cuts to those that have the most, while other people are losing their jobs. We

need to change directions, and we can begin by passing responsible appropriations bills and not by passing more juicy tax cuts for the privileged few. We need to go back to the fiscally responsible years of the Clinton administration and keep the promise of protecting Social Security and Medicare surpluses so those funds will be available when needed.

Mr. Speaker, I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in trying to bring fiscal sanity to this budget, advocating the responsible things that need to be done and pointing out the irresponsible direction that we are headed in.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for participating, and I yield to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Speaker, first, I would like to thank my good friend, the gentleman from South Carolina (Mr. SPRATT), for his exemplary leadership.

As the ranking member of the House Committee on the Budget, he has the almost unbearable task of trying to correct the hazardous economic course the current administration is charting. The gentleman has been trying since early last year to correct that course on this economic ship, and I salute the gentleman sincerely.

I have never seen such fiscal mismanagement in my life. None of us can quite explain it, but we do try with some consistency. We are at a point in time when critical decisions must be made. The reverberations of these decisions will be felt for generations to come.

Iraq is on the forefront of everyone's mind, and rightfully so. But as Members of Congress, we cannot focus solely on any one issue at any one time. It is our absolute duty to address every major issue that is before us, and we shall. Our budget, our economy are major, major issues. That is why we are here tonight.

We are not going to politicize this issue. I will not adhere to blind ideology. There is no need to do that. But as Sergeant Joe Friday would say, It is just the facts, Ma'am; and that is what we are about to talk about and have been talking about.

Mr. Speaker, chart 3, right here, the surplus declines. When the administration took office, it received a benefaction unparalleled in our history. The largest budget surplus ever projected to a total of \$5.6 trillion over the next 10 years. Fact: the nonpartisan Congressional Budget Office now reports that the surplus is at \$336 billion over 10 years. That is a swing of \$5.3 trillion in the wrong direction in 18 months. The numbers roll off our lips: trillions. The budget is now in substantial deficit. Mr. Speaker, \$157 billion is projected for this year alone at this moment. Private sector forecasters believe that the budget will suffer \$200 billion annual deficits as far as the eye can see.

What does this mean for you at home? Running deficits are going to drive up interest rates on car payments, mortgages, and student loans. How many of us are covered by those three issues alone?

We are back to piling up massive debt for our children and our grandchildren, and weakening Social Security and Medicare for beneficiaries today and tomorrow. Budgetary choices impact people's lives daily, not unlike elections. We should remember that the next time we hear the House leadership tout the virtues of permanent tax cuts for the wealthy, which we cannot afford.

My Republican friends have tried to shift the responsibility for the dissipation of the surplus just about anywhere. They blame the terrorist attacks, they blame the recession, they blame Bill Clinton, they blame the plague; but tonight we are dealing with just the facts. Fact: the mid-season review by the Office of Management and Budget reports that 40 percent of this dissipation of the surplus, the largest single share rests with the administration's tax cuts. I did not make it that way; I did not vote for it. All other legislation is responsible for only 17 percent, and more than half of that is normal national security spending. The economy is responsible for only 10 percent of the dissipation of the surplus. About one-third of the worsening of the budget was caused by technical errors, largely overestimates of revenues. We know about that in New Jersey, where the outgoing Governor cooked the books. It looked like we had a \$1 billion surplus, and we wound up having a \$6 billion deficit. That is called cooking the books. I think we invented it in New Jersey. Large overestimates of revenues, does that sound familiar of what we have been hearing on the corporate level?

□ 1845

That is why the Republican cries for even more tax cuts are nonsensical. Indeed, their claims ring hollow. Maybe that is why the administration has backed off its next batch of tax cuts.

Remember, when the economy was prosperous, they told us that the tax cuts were about returning the people's money. Then, when the economy took a downturn, we were told that tax cuts were about stimulating the economy. They want it both ways. Apparently, that is the Republican philosophy in any economic time, regardless of the situation, regardless of the circumstance.

But even blind allegiance to the ideology cannot prevent the Republicans from realizing that the 10-year \$1.35 trillion tax cut was deeply involved in the greatest plunge in tax receipts since the repeal of World War II surtaxes 56 years ago. This is a disgrace. Remember, just the facts.

The budget deficit ties the hands of Congress in our efforts to alleviate the pain of all those who have become un-

employed. What are we going to do for the 2 million people who have lost their jobs under this administration? The silence is deafening. Tell me, what are we going to do? Are we going to pass further tax cuts?

New claims for unemployment insurance have risen 400,000 per week in the last 5 weeks. This means that private sector job gains will remain weak at best in the immediate future. But what are we going to do? The administration is proposing many cuts in order to try to make a catch-up. We have nicked and dimed our veterans, we have nicked and dimed our first responders, and we talk out of both sides of our mouths.

The \$270 million for our veterans, \$150 million for our first responders is not a lot of money with regard to the totality of things, but we nicked and dimed the very people who put their lives on the lines, and put them on the lines today as we speak and sit comfortably here in the House of Representatives.

Our budget in this economic situation is in disarray, I say to the gentleman from South Carolina (Mr. SPRATT). Is there any Republican willing to stand up to the administration's disjointed agenda and say, Enough. I want the facts.

Mr. SPRATT. Mr. Speaker, I thank the gentleman. I yield to the gentleman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for allowing me to talk about something that I am very concerned about, and it is the economy.

About 15 years ago, when my husband was deciding on whether he was going to ask me out on our first date, he had never seen me, he went to one of his colleagues in the same firm who had worked with me before and he said, what about this LORETTA SANCHEZ? What is she like? And the guy said, well, you know, 2 years ago, the last time I saw her, she was a looker, but, you know, a lot can happen in 2 years; and let me tell the Members, a lot can happen in 2 years.

In 2 years, after the Clinton administration and after we worked so diligently to get surpluses to begin to pay down the debt of the United States, when people were employed, people who had creative ideas were accessing capital markets for the money they needed to put those ideas into play, everything was going right.

What has happened in 2 years? This chart shows the Bush economic record. What should be going down is going up, and what should be going up is going down.

The Republicans' failed economic agenda, or lack of an agenda, is really the problem here. This has led us into fiscal deterioration, into economic hardship, and into an erosion of Americans' retirement security, a lack of an economic agenda.

Let us just take a look at this chart here. We all know, for example, that one of the biggest costs that business is

facing right now is the cost of health care. That is why we see people unable to afford the larger premium that their employers are now charging for them to have health care insurance; or no health care insurance is being offered, something which, when it hits a family, is detrimental to their stability.

Foreclosures of homes are up. Our national debt is up. Goldman Sachs says it is going to be at least \$200 billion a year for the foreseeable future; nothing close to the numbers that the White House gives us as projections, but the financial markets are understanding that it is getting worse and worse by the moment.

And, of course, right now, long-term interest rates are low; but what happens, what happens when we start going into the market to borrow more and more to finance this almost \$6 trillion debt that we have on our hands as a Federal Government? Those long-term interest rates will shoot up.

The only positive light in the economic sector that we have right now are all those refinancings that people are doing on their mortgage, their 15- and 30-year mortgage rates, because long-term interest rates are down. But when we start to borrow and take money out of the system to finance this debt, this deficit that is adding to it, these higher interest costs, a bigger piece of pie to finance year after year after year, what happens? Those long-term interest rates go way up, and then that \$100 or \$150 extra we have because we refinanced, it is not going to be available anymore. There will be no refinancing to do. There will be no bright spot in the home market purchasing going on.

The Social Security Trust Fund, we will be raiding it and taking those monies to pay for these deficits that we are running.

Now, let us take a look at what is going down, which should really be going up. Our economic growth is down. In my area, it is actually an area that is a little buffeted right now, and we have 1 percent growth going on; but we had projected 3 percent or 4 percent or 5 percent this year, not 1 percent.

Other areas are suffering: job losses, foreclosures. People do not know what to do.

Business investment? People do not want to lend money. People are afraid of the economic conditions that we find ourselves in, and they see it getting worse. They are holding onto their money instead of investing.

The stock market? We know what has happened with the stock market, just \$5.5 trillion over the last 18 months of losses in the stock market value. Trillions, what do we mean by that? It is so hard to have that concept. But just this past September, in 1 week alone we lost \$420 billion of wealth in the stock market. These are real numbers. This is our wealth slipping away, our retirement accounts.

Enron, Global Crossing, all of these companies, our net worth, it is going

down, down, down. The last 4 months, the consumer confidence level is down, down, down, down.

Retail sales just this month, this back-to-school month, which is an indicator of what will happen in the holiday season for retailers: down. It is an indication that the place where we make money in retail, the holiday seasons, are projected to be down, and still we cannot pass an increase in the minimum wage.

The fiscal condition of our country. For 2 years the gentleman from South Carolina (Mr. SPRATT) has been telling us that these things are happening, and somehow the Republicans and this administration do not want to talk about putting together a plan to begin to turn this around.

I am glad that the gentleman is here tonight and that the gentleman is leading this effort. It is imperative for America to get this turned around, and the way to do it is to sit down and concentrate on what is the most important piece of stability and security for an American family: the national budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to express my deep concerns about our Federal budget and its impact on our Nation's economic future. I would also like to commend my colleague, the gentleman from South Carolina (Mr. SPRATT), for organizing this special order on such an important issue.

Mr. Speaker, I stand united with the President and my colleagues on both sides of the aisle in our commitment to defeating terrorism and doing what is necessary to preserve national security, both at home and abroad. However, despite the many new security and economic challenges confronting us, our homeland protection efforts and fiscal policies should not and need not shortchange our domestic priorities. We can win the war against terrorism without raiding Social Security and Medicare, and without increasing the national debt.

Last year I joined many of my colleagues in cautioning that the administration's budget simply did not add up. Sadly, our warnings were ignored, and we were instead continually reassured that we could afford an enormous tax cut, ensure the solvency of Social Security and Medicare, pay down the national debt, fund our domestic priorities, and still have a large reserve fund for unanticipated emergencies.

As it is now very clear to us all that that budget was based on unrealistic surplus projections that never materialized, and we now face deficits and an ever-increasing national debt that stretches far beyond the temporary economic downturn or the costs of the war on terrorism.

Recent Congressional Budget Office projections confirmed the dramatic de-

terioration in the budget outlook since the current administration took office. Less than 2 years ago, the administration and Congress were looking covetously at a staggering \$5.6 trillion cumulative surplus through 2010. Much of it I hoped would be used to pay down what was then a \$4 trillion national debt. Sadly, it has become clear that the fiscally irresponsible policies of the Bush administration and the Republican-led House have squandered these opportunities. The CBO's current surplus projections now total only \$366 billion.

Even worse, CBO's current projections are optimistic, as they do not reflect the cost of the likely extension of several expiring tax cuts, relief from the expanding alternative minimum tax on individuals, potential new tax breaks for businesses and investors, and an expanded war on global terrorism, or a new Department of Homeland Security. If these initiatives are all enacted, we could be faced with a \$386 billion deficit over the next 10 years. When Social Security funds are not counted, the deficit could balloon to \$2.7 trillion.

Mr. Speaker, the American public is already paying \$1 billion on interest-only payments on the debt every day. Further, the interest payments on our debt are on a fast track to become our single largest annual expenditure. By continuing to rack up debt on the national credit card, we are saddling future generations with our poor choices, and endanger the fiscal stability of this Nation.

Our rapidly deteriorating fiscal outlook presents a serious challenge for every Member of Congress. The government is now on track to raid more than \$2 trillion of the Social Security surplus over the next 10 years to cover deficits in the rest of the Federal budget. When I was elected to Congress, I promised my constituents that I would protect Social Security and the Medicare Trust Funds.

□ 1900

And I was not alone. As many of my colleagues on both sides of the aisle made this same vow, it is time to honor our commitments by acknowledging our current situation and working together to craft a budget that is fiscally responsible and protects Social Security.

Mr. Speaker, I urge my colleagues to heed this call and do the right thing.

Mr. SPRATT. Mr. Speaker, I recognize the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, in a recent column, Washington Post columnist EJ Dionne opened with a statement: "Perhaps the White House and Congress might just take a little time away from war planning to consider what the economic downturn has been doing to poor Americans, especially the working poor."

Mr. Speaker, we are talking about the leaders of this country and this

body who have the votes and, therefore, the responsibility. Certainly they must know that in the last year alone the number of uninsured increased more than 1.4 million; that poverty rates are up for the first time in 8 years; that 1.8 million jobs have been lost; and that thousands of people in this country have seen their retirement savings disappear.

In the health care arena, the impact is hard now and likely to be devastating as time goes by. Already 41 States are cutting Medicaid programs this year. That means that people are losing coverage and children are the hardest hit. This is happening at the worst time because with the economic downturn, 2.3 million more Americans were unemployed in August of 2002 compared with July the year before.

The saying that when the rest of the world gets a cold, minority communities and our territories get pneumonia is holding true. As of 2001, of the 41 million uninsured, 18 percent were Asian Pacific Islanders; 19 percent African American; and more than a third, 33.8 percent, were Hispanic. Thirty-eight percent of the people in my district were uninsured. The median household income of black families after rising by almost 30 percent between 1993 to 2000 fell from \$30,495 in 2000 to \$29,470 in 2001.

Nearly 23 percent of African Americans lived below the poverty level last year. Our unemployment rate as of August 2002 is 7.5 for African Americans and 6.5 for Hispanics. Economists have long reported that even when there is any recovery and other Americans begin to return to work, we will still have unemployment for at least a year to 18 months after.

When the President sent his tax cut to Congress last year, many of us opposed it because we knew what it would mean to funding for the needs of the poor in minority communities as well as the rest of America. After September 11, we were and we remain in full support of efforts to rescue, recover and rebuild, as well as to go after the terrorists; but our fears that the important health, education, and economic issues would be ignored have been realized.

Now that we are poised for an attack on Iraq, no matter what Congress says, economic issues are off the radar screen. But minorities, the poor, and even the middle class are suffering. As a matter of fact, the rise in the uninsured was particularly noted in people with moderate and high incomes.

Yes, we must strengthen pensions, enforce corporate reform laws, pass a prescription drug benefit, and protect Social Security; but the needs of the poor, minorities and Americans living in the offshore territories demand even more.

It is important for all of us who are here tonight to be here with our leader on the budget, the gentleman from South Carolina (Mr. SPRATT). We thank him for his leadership and for

bringing us here this evening to talk about these important issues.

It is important for us to be here to say to the leadership of this House and to the administration that we are heading towards a domestic disaster. We can no longer afford to ignore the millions of families who are losing income, jobs, health coverage, and retirement pensions; and we must do more to help those who have never had any of these. So we have to get back to our priorities. The leadership needs to forget about expanding tax cuts. They need to join with us on this side of the aisle to pass sound appropriations bills to improve the lives of all Americans.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), and at risk of being somewhat repetitive of what our other colleagues have said, I just want to finish by emphasizing some really very important points.

When this Congress began, the Republicans promised, in fact, everyone promised to safeguard Social Security and Medicare. They said the trust fund surpluses would be maintained and saving those surpluses would be important for the retirement of the baby boomers. Their plan, however, was to dissipate as much of the surplus as possible, in their words, to get it out of Washington instead of paying off the debt.

The gentleman from South Carolina (Mr. SPRATT) was so diligent in pointing out again and again and again that they left no margin for error. We all said that the projected surpluses were just that. They were projections, not money in the bank; and we reminded Republicans that they needed a margin for error. The gentleman could see it. I remember when he said we did not know what unforeseen circumstances would arise. But we could be sure that natural emergencies, international crises, economic downturns or other things would arise.

Well, this dedication, this overwhelming dedication, fixation on tax cuts, no matter what the circumstances or the consequences, has run the budget into a ditch; and it now risks the livelihood of hard-working Americans. Businesses are not investing. Real business investment which had posted double digit growth in the 1990s is still declining. Scores of corporations have gone bankrupt. Consumer confidence has dropped in each of the last 4 months and is at the lowest level since November of 2001.

Why is that? Businesses understand that this is not sound fiscal policy for our Nation. They understand that we are building up a debt and the interest can crush us. An extra \$1.3 trillion that will be wasted on interest expenses would have been more than enough to cover a decade's worth of cost in strengthening Social Security. May 2001, interest was \$621 billion over a 10-year period, 2002 to 2011. A month or two ago it was up to \$1.9 trillion.

Now, just to finish up, let me drive this home. For each American this means about \$7,000 of interest, each American, child, woman, man, \$7,000 to pay off, down the drain, for no productive use, no good to anyone.

I thank the ranking member of the Committee on the Budget for arranging this Special Order.

Mr. SPRATT. I thank the gentleman for his observations and participation.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I appreciate your courtesies and I also today rise to join my colleague, the gentleman from South Carolina (Mr. SPRATT). I thank him for his Special Order and for my colleagues who have joined him. I am proud of the work of my colleagues who have worked together on a bipartisan basis to balance the budget for the first time in a generation.

One of the first votes that I had the privilege of casting when I came in 1996 was to start the process of balancing the budget. That Balanced Budget Act finally stopped the flow of red ink that was piling up trillions of dollars in national debt. In fact, when we balanced the budget, we not only did it for one year, but we have put the Nation on course to generate huge budget surpluses for years to come. Those surpluses presented us with a golden opportunity to begin to pay off the national debt, shore up Social Security, strengthen Medicare with the benefit for prescription medicine for our seniors, and invest in the education of our children and our Nation's long-term economic growth.

As a former chief of my State schools in the State of North Carolina, I was hopeful Congress would make wise investments in needed reforms like school construction, teacher training, class size reduction, early childhood education, reading initiatives, science and math instruction, aid for college and other important priorities for America. Unfortunately, the Republican leadership in this Congress did not decide to do that. They have put together a budget-busting tax scheme, blew the surplus, and has hamstrung our ability to meet those urgent priorities.

Because of this scheme, Republican leadership is now severely underfunding the education budget. Despite their rhetoric in support of education and countless photo opportunities posing with children, the leadership's handling of this matter is to say one thing and do another. In each of the past 5 years, Congress has provided growth in the education budget of roughly 13 percent average and 15.9 percent last year. That was commendable at a time when student population was growing rapidly. Those healthy investments will come to a screeching halt under the Republican budget.

The budget also slashes funding for President Bush's education bill, the No Child Left Behind Act. For example, instead of the \$5.65 trillion increase in

title I funding for poor children in the No Child Left Behind Act, the budget cuts 82 percent of that proposal. Despite the growth of our immigrant population, the Republican budget cuts 10 percent per child for funding to teach children to be proficient in English. Some may think that is not important. Having been a superintendent, I can tell Members that if we do not help those children, all children suffer.

The Republican budget freezes funding for education for homeless children. When you account for inflation, the budget will mean 8,000 fewer homeless children receive this help next year. They are all Americans, and they deserve our help.

We should not turn our back to fully fund special education and forestall completion of that long-time goal by at least 4 years, but this budget does that. And the Republican budget freezes funding for after-school centers, which will eliminate 50,000 children from participating in after-school programs. And I can tell Members that having been a school chief, that is critical, because so many children go home alone and stay by themselves. Despite the looming teaching shortages across the country, the budget shortchanges teacher training and denies this aid to 92,000 potential teachers who would be eligible under the No Child Left Behind Act.

The budget cuts more than 95 percent of the school library initiatives of the No Child Left Behind Act. And the budget guts school reform grants of 24 percent, or \$75 million, and the list goes on. But let me talk about my home State of North Carolina.

More than \$92 million from title I grants to school districts will be cut, \$1.5 million from language acquisition grants, \$332 million from special education, \$10.2 million for the 21st Century Community Learning Centers, \$462,000 for education for homeless children, \$9.5 million for teacher training, and \$1.7 million for comprehensive school reform.

Mr. Speaker, the list goes on and on. The bottom line is that this Republican budget is wrong for education. It is wrong for our children, and it is wrong for America. I join my fellow Democrats and urge the Republican leadership to restore these educational cuts.

CAUTION IS URGED IN STRIKE AGAINST IRAQ

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I would like to thank the very distinguished gentleman from New York (Mr. OWENS) for allowing me the courtesy to speak this evening.

As the daughter of a family of infantrymen and Marines, I was particularly captivated by an article I read just a

few days ago in USA Today's editorial page entitled "Untested Administration Hawks Clamor For War," by James Bamford, who is a member of USA Today's board of contributors. I would like to read a portion of it into the RECORD and insert it in its entirety.

He says, "Beware of war hawks who never served in the military. That, in essence, was the message of retired four star Marine Corps General Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of the growing number of uniform officers in and out of the Pentagon urging caution on the issue of a preemptive strike against Iraq."

"In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. 'If you ask my opinion,' said Zinni, referring to Iraq, 'General Brent Scowcroft, General Colin Powell, General Norman Schwarzkopf and General Zinni may all see this the same way.'

□ 1915

"It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hell-bent to go to war see it a different way."

"That's usually the way it is in history," he said.

"Another veteran, Senator CHUCK HAGEL . . . who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. 'It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war. They come at it from an intellectual perspective versus having sat in jungles or foxholes and watched their friends get their heads blown off.'" They have never seen that.

He talks about during the bloodiest years of the Vietnam War, Vice President CHENEY decided against wearing the uniform of his country. Instead, he used multiple deferments to avoid military service altogether. In fact, he quotes the Vice President as saying, "I had other priorities in the '60s than military service."

Mr. CHENEY is far from alone. "Neither Paul Wolfowitz, the Deputy Defense Secretary, nor Richard Perle, the Chairman of the Defense Policy Board, have served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East."

"What frightens many is the arrogance, naivete and cavalier attitude toward war. 'The Army guys don't know anything,' Perle told The Nation's David Corn earlier this year," and debated with him whether 40,000 troops would be sufficient, when indeed most of the military say 200,000 to 250,000 would be needed, plus the support of many allies.

"Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard," and indeed was missing for 1 year of that service. "Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy). Another major player in the administration's war strategy, Douglas Feith, the Defense Under Secretary for Policy, has no experience in the military. Nor does Mr. CHENEY's influential Chief of Staff, Lewis Libby."

"The top congressional Republican leaders" in both the House and Senate "never saw military service," and in contrast, the gentleman from Illinois (Mr. HYDE) here in the House, "a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats" such as the gentleman from Michigan (Mr. BONIOR), a distinguished Member who was in the military during the Vietnam War.

"What is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generation's war are the same people who avoided combat" themselves, "or often even a uniform, in Vietnam," just simply were not there.

"Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in, a topic administration war hawks haven't said much about when it comes to Iraq."

"Indeed," the author closes, "the Bush administration's nonveteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam," and said, "The military does not start wars. Politicians start wars."

Also, he quotes Civil War General William Tecumseh Sherman, who observed, "It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation."

I commend this article to my colleagues. The title of it is "Untested Administration Hawks Clamor for War." I ask Americans to think about it.

I will insert in the RECORD at this point the article that I mentioned previously.

[From USA Today, Sept. 17, 2002]

UNTESTED ADMINISTRATION HAWKS CLAMOR
FOR WAR

(By James Bamford)

Beware of war hawks who never served in the military.

That, in essence, was the message of retired four-star Marine Corps general Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of a growing number of uniformed officers, in

and out of the Pentagon, urging caution on the issue of a pre-emptive strike against Iraq.

In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. "If you ask me my opinion," said Zinni, referring to Iraq, "Gen. (Brent) Scowcroft, Gen. (Colin) Powell, Gen. (Norman) Schwarzkopf and Gen. Zinni maybe all see this the same way. It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hellbent to go to war see it a different way.

"That's usually the way it is in history," he said.

Another veteran, Sen. Chuck Hagel, R-Neb., who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. "It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war," he said. "They come at it from an intellectual perspective vs. having sat in jungles or foxholes and watched their friends get their heads blown off."

The problem is not new. More than 100 years ago, another battle-scarred soldier, Civil War Gen. William Tecumseh Sherman, observed: "It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation."

Last month, Vice President Cheney emerged briefly to give several two-gun talks before veterans groups in which he spoke of "regime change" and a "liberated Iraq."

"We must take the battle to the enemy," he said of the war on terrorism. Cheney went on to praise the virtue of military service. "The single most important asset we have," he said, "is the man or woman who steps forward and puts on the uniform of this great nation."

But during the bloodiest years of the Vietnam War, Cheney decided against wearing that uniform. Instead, he used multiple deferments to avoid military service altogether. "I had other priorities in the '60s than military service," he once said.

Cheney is far from alone. For instance, neither Paul Wolfowitz, the deputy Defense secretary, nor Richard Perle, chairman of the Defense Policy Board, has served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East.

What frightens many is the arrogance, naïveté and cavalier attitude toward war. "The Army guys don't know anything," Perle told The Nation's David Corn earlier this year. With "40,000 troops," he said, the United States could easily take over Iraq. "We don't need anyone else." But by most other estimates, a minimum of 200,000 to 250,000 troops would be needed, plus the support of many allies.

Even among Republicans, the warfare between the veterans and non-vets can be intense. "Maybe Mr. Perle would like to be in the first wave of those who go into Baghdad," Hagel, who came home from Vietnam with two Purple Hearts and a Bronze Star, told The New York Times.

Secretary of State Colin Powell, a Vietnam combat veteran and former chairman of the Joint Chiefs of Staff, has often expressed anger about the class gap between those who fought in Vietnam and those who did not.

"I am angry that so many of the sons of the powerful and well-placed managed to wangle slots in Reserve and National Guard units," he wrote in his 1995 autobiography, *My American Journey*. "Of the many trage-

dies of Vietnam, this raw class discrimination strikes me as the most damaging to the ideal that all Americans are created equal and owe equal allegiance to their country."

Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard. Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy). Another major player in the administrator's war strategy, Douglas Feith, the Defense undersecretary for policy, has no experience in the military. Nor does Cheney's influential chief of staff, Lewis Libby.

The top congressional Republican leaders—Senate Minority Leader Trent Lott, House Speaker Dennis Hastert, House Majority Leader Dick Armey and House Majority Whip Tom Delay—never saw military service, either; only one, Armey, has shown hesitation about invading Iraq. In contrast, House International Relations Committee Chairman Henry Hyde, R-Ill., a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats—House Minority Whip David Bonior, Senate Majority Leader Tom Daschle and former vice president Al Gore—who were in the military during the Vietnam War.

No administration's senior ranks, of course, have to be packed with military veterans in order to make good military decisions. But what is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generation's war are the same people who avoided combat, or often even a uniform, in Vietnam, their generation's war.

Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in—a topic administration war hawks haven't said much about when it comes to Iraq.

Indeed, the Bush administration's non-veteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam.

"The military don't start wars," he said ruefully. "Politicians start wars."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG). The Chair must remind Members to avoid improper references to Senators.

TRIBUTE TO THE HON. PATSY MINK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating my colleagues who provided the review of the irresponsibility of the Republican majority toward the economy and my previous speaker, the gentlewoman from Ohio, in terms of her spirit of indignation expressed about cavalier attitudes towards war.

I think the subject that I want to talk about tonight, the lady that I

want to talk about, the Congresswoman I want to talk about tonight, would very much approve of what our previous colleagues have done here already tonight. I want to talk about Congresswoman Patsy Mink, who recently passed away in Hawaii.

Patsy Mink is known for many things, but I know her as a Patsy Mink who was filled with righteous indignation and anger against injustice, and my colleagues have presented tonight very intelligent presentations, well-documented presentations, but that will get all the time. I think I heard in their voices also some outrage. They were upset. They were angry about the irresponsibility of the Republican majority, and that we have all too little of here in this Congress, all too little righteous indignation and anger.

We are going to miss Patsy Mink because she was a lady with great righteous indignation against injustice. She was angry at the kind of callous approach to human welfare that was exhibited too many times on the floor of this Congress.

Yesterday we had a resolution on Patsy Mink, and many people spoke. I was not able to speak, but I did submit for the RECORD a tribute to Congresswoman Patsy Mink, and I would like to start with that tribute and make comments on it. The tribute, of course, is in its entirety in the RECORD, Tuesday, October 1.

In Tuesday's RECORD this appears in its entirety, but I would like to repeat it and comment as I go, because I heard my colleagues yesterday talk about Patsy in many ways. Most of the references were personal. I would like to focus primarily tonight on Patsy Mink as a policy manager, Patsy Mink as a champion of the poor, Patsy Mink as a champion of women, Patsy Mink who could be very intense, although she always was polite and warm, and lots of people talked about that yesterday.

Patsy Mink will be remembered with a broad array of accolades. She was a warm, compassionate colleague. She was civil and generous, even to the opponents who angered her the most. As a member of the Committee on Education and the Workforce, which when Patsy Mink first came to Congress was called the Committee on Education and Labor, as a member of that committee, in any long markup, and we could have some long markups, we always knew that Patsy would try out macadamia nuts to supply for all of us to refresh myself, and she would share my macadamia with everybody, those who were opponents as well as those who were allies.

I remember her chiding me, joking with me when I talked about how much I loved macadamia nuts. I was a macadamia nut junkie, but I said to her, Do not bring any more because I am on a diet, and these things certainly do not help anybody's diet. The next time she came with macadamia nuts, they were chocolate-covered macadamia nuts, and they are even more delicious than

regular macadamia nuts and greater calories. But that was the kind of person she was.

She was quite warm, cared very much about everybody, but she could be angry. She could be a peace of chain lightning.

For me, she will be remembered as my friend, mentor and my personal whip on the floor. Often at the door of a House Chamber, Patsy would meet me with instructions. "We," she said, "are voting no," or, "We are voting yes on this one." I did not consider that to be intimidation at all. I considered it always an honor to have been invited to function as an ideological twin to Patsy Mink. She was not telling me or instructing me. She was making assumptions about how we would be together in our analysis of the problem, our conclusions about what to do with respect to voting. That was a great honor, and I am going to miss that.

In the Committee on Education and the Workforce, as well as on the House floor, I was always inspired by Patsy's convictions. She was always an independent spirit, and she pursued her causes with total dedication. She was not just another advocate for education or for women or for jobs for welfare mothers, not just another one. Patsy Mink was a special advocate.

She was forever a fiery and intense advocate on these issues. She frequently exuded an old-fashioned righteous indignation that seems to have become extinct in the halls of Congress. For Patsy, there were the right policies and laws which she pushed with all the zeal she could muster, and there were the wrong-headed, hypocritical, selfish and evil policies which had to be confronted, and they had to be engaged to the bitter end.

When colleagues spoke about partisan compromise negotiations, Patsy would quickly warn Democrats to beware of an ambush or a trap. I think Patsy in her encyclopedic approach to her mission, encyclopedic concern about anything that affected human beings, would have very much appreciated the presentation by my colleagues before the 1-hour presentation on the economy.

On the Committee on Education and Labor where Patsy served and I have served for the 20 years that I have been here in Congress, we used to have hearings and testimony from economists, because this committee was charged and is still charged with overall responsibility with respect to the economy as it impacts on working families and working men and women, and as the human resources interact with the other factors in our economy. So we used to have many economists come, and our approach was certainly not a tunnel-vision approach.

She would have been concerned and has been concerned all year long about the fact that the economy has been deteriorating, the fact that unemployment is increasing. The unemployment rate averaged 4.1 percent in the year

2000 and reached a 30-year low of 3.9 percent in October of 2000; but today the unemployment rate has increased to 5.7 percent nationwide. We have presently 8.1 million unemployed Americans, an increase of 2.5 million compared to the year 2000. The number of Americans experiencing long-term unemployment over 27 weeks has almost doubled in the last year.

Some of this my colleagues heard from my previous colleagues who spoke on the economy. I think this is summarized very well by my colleague the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform. Job creation has reversed.

In the year 2000, the year before President Bush took office, the economy created 1.7 million new jobs. This trend has been reversed, and the economy has lost almost 1.5 million jobs since President Bush took office in January 2001. Poverty is increasing. After decreasing for 8 straight years, decreasing for 8 straight years and reaching its lowest level in 25 years, the poverty rate increased from 11.3 percent in 2000 to 11.7 percent in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with a total of 32.9 million Americans living in poverty in 2001.

Incomes are falling. Hundreds of thousands of Americans are filing for bankruptcy. Mortgage foreclosures are at a record high. The Federal budget deficit is increasing. In 2000, the year before President Bush took office, the Federal budget, excluding Social Security, showed a surplus of \$86.6 billion. The most recent figures from the Congressional Budget Office indicate that for 2002 the Federal budget excluding Social Security will show a deficit of \$314 billion. This represents the largest budget decline in U.S. history, and it is the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 under the first President Bush.

□ 1930

I think Patsy Mink would be, has shown all year long, that she is very concerned about all of these matters. Patsy Mink, in the 107th Congress, was one of the great spirits continually pushing to get more activists going in response to the decline of the economy.

Patsy was a policymaker. Patsy should be remembered as a policymaker, as a fighter. Whatever else we remember about her as an individual, we should not trivialize her role in the dynamics here in the Congress with respect to making policy. Her profound wisdom on all matters related to education in particular and matters relating to human resources, whether it was job training or occupational health and safety, whatever matters relating to human resources, she had a profound wisdom about that because she had been here for quite a long time. Her long years of service on the Committee

on Education and Labor, which later became the Committee on Education and the Workforce, afforded her that kind of wisdom.

Too many of us in the Congress have forgotten the value of institutional memory. While the House is filled with Members who speak as experts on education, Patsy Mink was among the few who had hard-earned credentials with respect to education. She was a part of the development and the nurturing of title I to the point where it has become the cornerstone of Federal education reform. She was here during the Great Society program creation. She served with Adam Clayton Powell and Lyndon Johnson in the years that they passed more social legislation than has ever been passed in Congress.

Title IX was a landmark reform to end the gender gap in our educational institutions, in school athletics; but also many other aspects of higher education. Title IX belongs to Patsy. She conceived it decades ago, and she had to fight all the way to the President. Even recently, in this 107th Congress, there were skirmishes seeking to cut back on the funding for title IX. Title IX was passed in 1972, but right up until recently, the grumbling and the attempts to undercut have persisted.

I will talk more in greater detail about some of the things that have happened along the way as Patsy was forced to fight to keep title IX. As I said, she had an encyclopedic approach. She was involved in many issues. There were certain issues she would focus on tenaciously. And because she focused on them, she was prepared to defend them, and she very effectively saved many of these programs from the jaws of those who would roll back progress.

Title IX, like many other Federal policies and programs, was considered to be impossible, something else we could not afford. We could not afford to have equality in our education activities for women. That would be a burden on our higher education institutions. That would be a burden on higher education athletics, college athletics, or school athletics. Always those who want to conscript and limit the opportunities for a class of people insist that it is not doable.

Social Security originally was attacked. We know we did not get a single Republican vote when Social Security was implemented and passed. Social Security was attacked as something that would wreck the economy. The minimum wage was attacked. The minimum wage provision was attacked as another item that would wreck the economy. Always reasons are found to stop the spreading of the benefits of our great American democracy and our great economy to all.

They particularly hold on with respect to matters relating to women. We are way, way behind, even in liberal America, liberal and progressive America. We are still way behind in recognizing full unfettered rights for all women. There is no more category of

human being more oppressed in the world than women. If you want to look at numbers, the greatest number of people oppressed throughout the world are women. In all societies, just about, there is oppression. In societies that suffer from racial prejudice, an oppression because of race, or in others who suffer as a result of colonialism, and all those societies where everybody might suffer, the women still suffer most of all because of male dominance. Male chauvinism seems to hold on. It seems to be institutionalized in certain religions. And when we liberate women finally, we will have arrived as a civilization.

But there is a great need to have the fullest possible liberation for women in America. We are more advanced in this respect than probably any society. The mountaintop is in view, and we should certainly go on to make certain that all of the pathways are cleared so that women and men are clearly equal in one society in the world, that is the American society, and that this will spread first in the Western world and on and on and break down any shibboleth that may remain in terms of religions that insist that women are inferior and women do not deserve complete equality with men.

Patsy was an advocate for total equality for women, and that is quite appropriate. Her spirit will be missed. We should remember Patsy as an advocate for women. She was the coauthor of title IX of the Higher Education Amendments of 1972 that prohibits sex discrimination in all education institutions receiving Federal funds. This law, which Patsy cited as one of her greatest accomplishments, has had a dramatic impact in opening up opportunities for girls and women in the professions and most visibly in athletics.

In 1970, before the passage of title IX, only 8.4 percent of medical degrees were awarded to women. By 1980, this figure had increased to 23.4 percent. By 1997, women were earning 41 percent of medical degrees. So in addition to athletics, in an area like medicine, Patsy's title IX opened the way for women.

I think her colleague, Senator AKAKA, in honoring Patsy, was able to bring some light on her personal travails as a woman. Patsy wanted to be a doctor. She applied for medical school after studying zoology and chemistry at the University of Hawaii. She applied in 1948 to a medical school there, but she was rejected, along with other bright young women who were aspiring to be doctors at a time when women made up only 2 to 3 percent of the entering class. Patsy went on to apply to a law school instead. She gained admission to the University of Chicago.

It was during her years at the University of Chicago that she met and married her husband. Patsy returned to Hawaii and gained admission to the Hawaii bar in 1953. But as a woman, even then, she had difficulty, because it was said that her husband was a native of Pennsylvania, and a woman had

to gain her bar admission in the area where her husband lived. She challenged that piece of sexism and she won. She was admitted to the Hawaii bar, and she became the first Japanese American woman to become a member of the bar in Hawaii.

In 1965, Patsy brought her views to the national stage when she became the first woman of color elected to the United States House of Representatives to represent Hawaii's Second Congressional District. 1965. You can see that she was here during the time when Lyndon Johnson put forth his Great Society programs, and she was a colleague of Adam Clayton Powell as each one of those measures came through the Committee on Education and Labor on its way to the floor of the House to be passed successfully by a Democratically controlled Congress and Senate. So the institutional memory, the institutional achievements of Patsy Mink ought to be remembered as part of the record.

She is a role model that the present Members of Congress should look up to. She is a role model that should be held up to future Members of Congress. We need role models that go beyond the fact that we are all very intelligent men and women who come to this Congress. You will not find a single person elected to Congress who is not intelligent. You do not get here unless you are very intelligent. Most of us have extensive formal education. Most of the Members of Congress are college graduates. Many are people who have gone beyond college and have professional degrees. So intelligence is not a problem here.

If intelligence were the kind of cleansing overall virtue that I once believed it was when I was in high school and college, that intelligent people always do the right thing, intelligent people understand the world, they understand what is right, and they do what is right. Intelligence does not automatically lead to correct and appropriate, democratic, generous, progressive, and charitable behavior. So intelligence is not the problem here in this Congress. The quality that is missing here is indignation, righteous indignation, dedication to the proposition that all men and women are created equal. And if they are all created equal, they all have a right to share in the prosperity and the benefits of this great country.

We have to make a way for them to do that, even if they are people who are very poor and at one time or another have to go on welfare. At one time or another they have to be the recipients of the safety net benefits of our Nation. We have safety net beneficiaries who are rich farmers, yet we never are critical of them. But we have safety net beneficiaries who are welfare mothers, mothers of children; and you do not become a woman on welfare unless you have children. It is Aid to Families With Dependent Children. So welfare women, who we refer to, are really

mothers of children who are covered by the law Aid to Families with Dependent Children.

In this Congress, Patsy declared war on the oppressors of welfare women. It was a lonely army that she led. A very tiny platoon, I would say, that she led as she made war on the oppressors of welfare women. No one was more incensed and outraged than the Member from Hawaii when the so-called welfare reform program of President Bush threatened greater burdens and smaller subsidies for welfare recipients. Patsy came to me often and said we must fight this, we must do something, we must not allow this to happen. We must point out the fact that welfare benefits have been greatly reduced in most of the States. We must point out the fact that in the model State of Wisconsin, the State where the Secretary of Health and Human Services, former Governor Thompson presided, they have reduced the welfare benefits for a family of three to less than \$300 a month; and they are praising him for having made that reduction. That is wonderful; that a welfare family of three only gets less than \$300 a month.

That same Governor Thompson had transferred welfare money that would have gone to welfare beneficiaries to other functions in State government. Maybe he had a few other cronies he wanted to employ, maybe he gave a few more State banquets, who knows where the money went; but the Federal money that was meant to go to welfare beneficiaries, the law allowed him, if he saved it by curtailing the benefits for welfare families, then he could use it in other ways. No one was more incensed and outraged by that kind of activity than Patsy Mink.

Patsy said, we must do something. The Democrats are going to be rubber stamps to the Republican proposals. The Democrats are going to be rubber stamps to President Bush's proposals. Patsy Mink came forward, and we had made many proposals. We fought the greater burdens and smaller subsidies for welfare recipients. All of Patsy's proposals in the House were voted down. We did not pass anything at all. But I admire and will always praise Patsy Mink for leading the fight which stirred up the long-dormant conscience among Democrats.

□ 1945

Democrats did come to the floor with an alternative bill. We did produce a fight on the floor. We did have a debate on the floor. We offered an alternative. We set the stage for what happened after the bill left this House and went to the other body. We would like to believe that the fact that deliberations on this very important matter, welfare reform, continues and is stalled because we fought valiantly under the leadership of Patsy Mink, and that fight still goes on as a result of the record. We united behind Patsy. We were voted down, but we were together.

As I said before, Patsy Mink is a role model for what needs to happen in this

House. Some Members of Congress focus on housing issues. Some focus on transportation issues. Some focus on health issues. Whatever the issue, they need to bring to it the kind of indignation and determination that Patsy brought to the issues she cared about. She cared about education and welfare mothers. Nobody knew better than Patsy about the correlation between poverty and poor performance in education. She had many poor people in the rural parts of her district, and Patsy Mink understood the correlation.

There is a correlation between poor performance, and the ability of students to take full advantage of the educational opportunities offered, and poverty. Poverty and education should not be discussed separately, they should be discussed together. What we do to welfare families hurts education. When a welfare family has their budget curtailed to the point where children go to school hungry, and the best meal they get is the school free lunch because supper is not going to be adequate, breakfast is not adequate, and at some schools we have begun to provide breakfast because of that, why not provide higher benefits and substitutes for the families so the children who are going to school get over that first hurdle and they come to school prepared to learn because they have a wholesome environment at home.

We had on the floor today several resolutions which attempted to force the issue. Again, I think Patsy Mink would have been very pleased with what happened this afternoon in the regular session. We had four resolutions which showed some outrage, some indignation. We want to force the issue. We do not want to bide time here in this Congress the way that the Republican majority has decided we should. We do not want to just be here and not deal with the issues. I would hate to read history 50 years from now and hear how the historians analyzed what happened to the great America; that at its apex when it was most powerful, most prosperous, the leader of the entire world, the only remaining superpower sat around and, like Nero, fiddled while Rome was burning.

There are so many issues related to the changing patterns of the weather, the climate, so many things that reach beyond our economy; and, of course, the ongoing fight against terrorism. That is no less an issue, but we have to chew gum and walk, sing, dance and do a lot of things at the same time, and we are letting most of our resources, the tremendous brain power of the Congress lies fallow, unutilized. There is tremendous brain power and energy. The Congress is not being utilized because, for political reasons, somebody has decided that it is best for us to tread water and do nothing.

My colleagues in the Democrat Party, the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Ohio (Mr. BROWN), the gentleman

from Indiana (Mr. VISCLOSKY), and the gentleman from Wisconsin (Mr. OBEY), they offered resolutions saying let us do something.

The gentleman from Pennsylvania (Mr. HOLDEN) offered a resolution relating to family farmers and bankruptcy. Be it resolved that the House of Representatives should call up for consideration 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 for for over 5 years.

Mr. Speaker, why not? We are all here. Why do we not debate an act on this vital resolution? No, the Republican majority chose to vote it down. With a motion to table, all you need is a majority of the votes, and a motion to table takes effect.

The gentleman from Ohio (Mr. BROWN) wanted to deal with the fact that patent drugs, the drug companies are playing with patent law so they can hold on to patents longer and keep the cost of drugs higher and avoid the utilization of generic drugs. That was voted down, too.

The Brown resolution attempted to call for some constructive action, but it was also voted down, but he did it, and Democrats rallied behind the gentleman overwhelmingly out of a sense of indignation. Those of us who are sick of being victimized by the majority, we are held paralyzed. We are here, but we can do nothing. At least we can vote for a resolution to call for action, and we did. But again, the majority had the most votes, and this resolution was voted down.

The next resolution was by the gentleman from Indiana (Mr. VISCLOSKY). It was a simple resolution, after all of the whereases, resolved that it is the sense of the House of Representatives that the Congress should provide States with the resources they need to fully implement the No Child Left Behind Act as promised less than a year ago.

Less than a year ago we passed the No Child Left Behind Act. It was a bipartisan vote on final passage. I voted for it. I voted for it because of the promises that were made with respect to funding. The President said he would double Title I over a 2-year period. The President said he would provide and support the funding for the implementation for No Child Left Behind, meaning the tests, the training and the administrative costs related to that. The President said that he would support an increase in the special education funding, but he has reneged on those promises.

We would like to see the resources provided by passing the Health and Human Services and the Education and related agencies appropriations. The gentleman from Indiana (Mr. VISCLOSKY) offered that resolution.

I would like to note that Patsy Mink said No Child Left Behind was a piece of legislation that was an ambush; it

was a trap. She voted against it in committee, and she voted against it on the floor of the House. And now she has been proven to be correct.

We made some stringent requirements there. We placed on the backs of school systems and teachers and students a lot of new regulations and threats, provisions for monitoring tests, and now we have reneged on paying the costs of all of that, leaving it to them. In Patsy's district, she complained several months ago that the provisions of the No Child Left Behind were beginning to upset parents because there are provisions that say if your individual school is failing in terms of the achievements of the students in reading and math, if it is failing, then you have a right to go to another school, transfer to another public school.

Well, just about all of the schools in a certain area of her district are failing, and the parents are frustrated because they want to use that right, but in order to go to another school, they would have to have air transportation. The island is constructed such that the only way they can get to a school that is better than the schools in that locale would be to have planes to transport them. The cost of transportation is so prohibitive that the law has no meaning for them. She was angry because they were angry at her, but they have been stirred up by the promise that was offered by the No Child Left Behind legislation.

I think that the next resolution that was offered by the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations, was in the same vein, concerned about the fact that we have reneged on the promises of the legislation that we all voted for, most of us voted for, in a bipartisan compromise. Patsy did not vote for it. She said we would regret the compromise, and now we are living to regret it.

The Obey resolution was, resolved that it is the sense of the House of Representatives that the Congress should complete action on the fiscal year 2003 Labor, Health and Human Services and Education and related agencies appropriation before recessing, and should fund the No Child Left Behind Act with levels commensurate with the levels promised by the act less than a year ago.

Mr. Speaker, we are here. We should act now. Why have we defaulted on action to the point where there is a discussion of nothing significant is going to happen until after the election. Nothing significant is going to be done about any appropriations issues until after the election. That is a swindle. We owe it to the American people to take action on critical activities and demonstrate what we are made of. Let us have a record. Let us go forward and not play with the public opinion polls where we know that the great majority of the American people rank education as a major issue. Education is ranked

as a major issue, and, therefore, we pay lip service to education, but we do not want to really doing anything.

The indignation shown by these resolutions, the attempt to force some action or at least to dramatize it, the mobilization of one party to make certain that this issue was on the floor I think Patsy Mink would be quite proud of.

Patsy was always concerned about the fact that education was so highly publicized by both parties. Patsy was concerned about the fact that there barriers put up about education costing too much, although in America we are only spending in terms of Federal funds, we only pick up 7 percent of the cost of education. There is a continued drumbeat that education costs too much. The Federal Government should not be more involved in education.

□ 2000

Our answer was, what activity is it that the American government is involved in that does not need education as more than a footnote? Education is a force in whatever activity we are engaged in and, therefore, what fools we are to continue to ignore education when we talk about critical issues. The Homeland Security Act, for example, the creation of a homeland security agency does not talk in any significant way about the role that education will play. The Education Department is barely mentioned. Yet the Homeland Security Act is a complex mechanism which will not work unless it has very educated people. It will not work unless it has cadres of people who are well trained in various ways. Homeland security will not work unless we train tremendous numbers of people in the cleanup of anthrax or the cleanup of biological warfare materials. We are preparing for that. We are discussing each day how we have enough vaccine to vaccinate our whole population in 10 days.

There are a number of things happening, but we are not discussing who is going to do it. Where are the people who will give the vaccinations? We have a shortage of nurses. We have a shortage of basic technicians in our hospitals. We certainly cannot deal with complicated biological warfare as exhibited by the way we handled the anthrax emergency here in Washington.

What happened in the anthrax emergency here in Washington? I will not go through the whole scenario, but Congress was threatened and the focus of attention of all the experts was on Congress. The post office, on the other hand, where the anthrax had to come through, was ignored. Even when they discovered that there was anthrax in the post office, all of the personnel were still focused here, all the expertise.

So we had two people die here in Washington. They were postal employees, postmen, who died, because we did not have enough personnel to do the

total job and the total job was not really of epic proportions. The anthrax attack, whoever did it, they still do not know who did it, of course, it was small in comparison to what terrorists could do. I fear anthrax more than I fear nuclear weapons. After watching what happened here in Washington, after having been locked out of my office for several weeks, even now we have to irradiate our mail, after watching it take 4 months to clean up the anthrax in one building, Senate building; and the experts, the hygienists who handle anthrax, whoever the experts were, were so limited, the technicians so limited till they only focused on the Senate building. There were not enough to go around. We could not deal with the post office. We still have not dealt with the cleanup of post offices the way we should.

So we have a shortage of people who can deal with anthrax; and that is a clear and present threat, or something similar to anthrax. But in the Homeland Security Act, there is no provision for the training of more people in this area. There is no provision for dealing with the fact that we have a shortage of nurses. Who is going to do all these vaccinations in case we have an epidemic as a result of a biological attack? We have shortages of people who are going into police departments. We have shortages in fire departments in big cities like New York, for example. They are working madly to recruit people to replace the numerous firemen who lost their lives, but in general there has been an attrition over the years of applicants in terms of these agencies.

Many of these positions do not require a Ph.D., graduate education; but they do require some education. Getting people to pass a basic test involving literacy and simple calculations, getting graduates of our schools who can pass those simple requirements has become a big problem. We need to invest whatever is necessary if we are serious about homeland security, or if we are serious about fighting terrorism.

One of the factors that keeps coming up is the very embarrassing fact that we had a lot of data collected. Many of the facts that had been assembled by our reconnaissance agencies, by our satellites in the sky, picking up electronic communications, many of those items were there which told things that would have been very useful in counteracting what happened on September 11; but we did not have Arab translators. We did not have enough translators.

I have said here on the floor many times, that is inexcusable, that there were not enough Arab translators to stay current with the great amount of data that was being collected from Arab sources. Arabs have been terrorists for quite a long time. Since Ronald Reagan's reign when they bombed the barracks in Beirut and killed 200 Marines, on and on, every major act of terrorism, sabotage, Arabs have done

it. So surely Arabs should have been high on the radar screen and the number of people who interpret Arabic should have been great. But it is not there.

I heard advertising on the radio and television in New York a couple of months after September 11 advertising for people who might want to be Arab interpreters. On and on it could go, including the fact that in the field in Afghanistan, where our troops have been victorious and conducted a high-tech war in a very effective way, nevertheless, the casualties, if you look at the casualties that we have suffered, the majority of them have been from friendly fire as a result of human error. We have suffered casualties ourselves as a result of human error and friendly fire. We have had a couple of embarrassing incidents with respect to the Canadians and with respect to some tribal groups as a result of human error. So as war becomes more high tech, education becomes an even more important factor.

There is a recognition in the military world of the value of education. I would like to juxtapose the fact that they place a great deal of value on education on specific things related to the military while at the same time ignoring the greater funnel, the mass education that has to funnel people into the military. For example, we have quite a number of military academies beyond West Point. Most people only think of West Point, the Navy at Annapolis, the Air Force Academy; but we also have an Industrial College of the Armed Forces, National War College, Army War College, Naval War College, Naval Post Graduate School, Air War College, Air Force Institute of Technology graduate school and long-term training arrangements and continued service arrangements which allow members of the military to go to graduate schools anywhere when needed.

There is a great deal of understanding in the military of the value of education. Their personnel are constantly being put through a process of improving their education. The military is not afraid to spend money, also. It costs money to educate youngsters in this day and age.

I hear complaints that education costs too much, that when I was a kid we were only paying teachers so much and school costs were at very low levels per child, but now teacher salaries are too high, and we want computers. That is the way of the modern world. When World War II started, we only had four or five vehicles in the Federal arsenal of transportation. Roosevelt had a car and four or five other Cabinet members. We were at that stage. Now we have a whole fleet of cars. We have a fleet of planes. The world has changed.

If it has changed in every other respect, then surely it has changed in respect to education. But we do not recognize that when it comes to education. We do not look at the fact that

our military academies are spending tremendous amounts of money. I have only got figures for way back in 1990. They do not let you have current figures. In 1990 we were spending tremendous amounts of money for the Army academy, which is West Point; Naval Academy, et cetera. But more important than what they were spending overall, which is hard to deal with, as of 1996, the budget office study showed again with 1990 figures, that the amount of money being spent per officer, that is where we can make some comparison.

They say right now at Harvard and Yale, Ivy League schools may cost you between \$40,000 and \$50,000 per student per year now. In 1990, the cost per officer commissioned in the Army was \$299,000. \$299,000 per officer commissioned. In the Navy it was \$197,000 per officer commissioned. In the Air Force, \$279,000 per officer commissioned. We are willing to spend tremendous amounts of money when it involves personnel serving the military directly. If we are willing to spend \$299,000 per officer commissioned, surely we can spend more than \$8,000 per child in the New York City school system and understand that modern costs are such that \$8,000 per child is not going to get you very much in terms of what is needed in this day and age.

I checked before Ron Dellums left as the head of the Armed Services Committee. I did get some figures which showed that the cost at that time, I think that was about 7 or 8 years ago, was down to \$120,000 per cadet at West Point, if you left out the actual cost of the military training and just the academic training. The academic training at that time was \$120,000 per student while Harvard and Yale at that time were estimated to be about \$30,000 in the Ivy League. So either way you can see the difference. We are willing to spend tremendous amounts of money when we think it is important.

Patsy Mink and I used to talk a great deal about the great hypocrisy of American policymakers. In private schools, the cost per child is far higher than \$8,000 per child, as it is in the New York City schools. \$8,000 per child is what the average is in New York City, because it has so many different schools. There is a low end in my district. There are some schools where they are spending only \$4,000 per child; and there is a high end where they are spending \$12,000 per child because the expenditure costs are driven by the personnel costs. The greatest cost of personnel, the more experienced teachers and administrators are in certain schools in certain districts that they consider highly desirable places to be. So their salaries raise the cost per child in those districts, while the poorest schools suffer from too many substitute teachers and uncertified teachers and you have a very low cost. But what I am saying is that as a Nation, we are investing very highly in a well-qualified, well-educated military. We

are blind to the fact that all the other sectors must go along.

A complex, modern nation, the leader of the free world, needs to have a comparable concern about education across the board. All of these Department of Defense graduate institutions, is there a single peace initiative we have which has Federal funding for graduate institutions? Is there a single graduate institution that we know of? There is a peace institute which you can hardly find in the budget, it is so small; and it is very cautious about what it does. But there is no place where we are training diplomats. There is no plan to make certain that the greatest Nation on Earth, the last superpower, has knowledge of all the other societies on Earth.

We not only have a shortage in people who can translate Arabic but in Pakistan and some other countries, they speak Urdu. In Afghanistan they speak Pashto. We have more than 3,000 colleges and universities in this Nation. If you have a plan, if the Homeland Security Act cared about really dealing with terrorism across the world, you would have a plan which showed that somewhere in America there is a college or a university that has an institute or a center which is not only learning the language, teaching the language, but also teaching the culture of any group of people anywhere on the face of the Earth.

Certainly any nation in the United Nations, we should have a program which has people who are studying it. We can afford to do that. By chance we have experts probably on everything, but single people who decide they want to go off and study and are ready when we need them for these kinds of assignments, that number is decreasing.

□ 2015

Why not have a plan which guarantees that we will always have enough people who speak Urdu to deal with increasing our friendship with Pakistan? Pakistan is a friendly Muslim Nation. Pakistan is our ally in the fight against terrorism. We need to know more about its culture and be able to deal with it. If we are going to have nation-building, that is a word that was trivial, used and ridiculed a few years ago, but now it is understood that we cannot fight terrorism without nation-building. We do not invest a large amount of energy, time, lives, effort in a nation like Afghanistan and then walk off and leave it to crumble back into the kind of primitive savagery that existed under the Taliban. If we do not stay and we do not do nation-building, we will have to do it all over again in 10 or 20 years. So nation-building is part of a process that we should have in our overall plan to fight terrorism.

Homeland security, military readiness, all that, we should look at education first and foremost. The funnel which feeds everything we do has to come up through our public school system. Fifty-three million children are

out there in our public school system. They could supply every expert we need, every category of technician, but they are not doing it when they come out of high school, and they can only barely read and write properly, when calculations are minimal.

A large part of public school is inhabited by minorities, and one of the problems is, which Patsy and I talked about many times, as the minority population has increased in certain school systems, the big-city school systems in America, the commitment of the locality and the commitment of the State government has gone down, and we cannot get away from an observation that racism is at work in decision-making.

Doing less for the schools has happened as the population has changed, but let us take a look at what that means for America in one area. In our military those same minorities who are being neglected in our public schools make up a large part of our military relative to their percentage of population. African Americans are considered by the Census Bureau to be about 13 percent of the total population. In the Army African Americans total 25.5 percent of the Army population; 480,435 people are African Americans. Hispanics are 9.3 percent. In the Navy African Americans, which are only 13 percent of the population, are 18.9 percent of the Navy. African Americans, who are only 13 percent of the population, are 16 percent of the soldiers in the Air Force. In the Marines African Americans are 18.9 percent.

These same African Americans who are in the inner-city schools predominantly, the supply that goes into our military, is jeopardized if you do not provide appropriate education now. What would it be like in a few years? What is it like now? Is the quality of the soldiers declining at a time when the high-tech complexity of the military is increasing?

We should take a hard look at all the various activities of our society and how they complement each other.

Patsy Mink, as I said before, had an encyclopedic mind when it came to looking at human resources and looking at the various missions of a civilized society like ours should have. Patsy Mink and I have talked about the fact that it is ridiculous to have a homeland security program which allocates no significant role to the Department of Education or to the universities and colleges in America. It is sort of doomed to failure.

I would like to conclude by just refocusing on one particular project or program that is identified most immediately and specifically with Patsy Mink. That is Title IX. Many women who are doctors and lawyers, who had a basically equal treatment in the university system and graduate schools, have no idea what it was like before. I think one of the women on the Supreme Court told a long story about how she was denied access to decent

jobs in the law firms when she first came out of college and later denied promotions, et cetera. So there are individual stories that can be told, but the figures were outrageous before Title IX.

Title IX has made a big difference, but Title IX has been fought step by step all the way. It was signed into law in 1972, and Patsy had to go to war and fight the Tower amendment in 1974. She had to fight certain other Senate amendments that were attempted by Senator HELMS and S. 2146 in 1976 and 1977. On and on it goes. There have been attempts to gut Title IX.

So Title IX, the welfare rights, the welfare reform, all of it was part of why I say that Patsy Mink was a role model for decisionmakers of this Congress, and she is a role model for decisionmakers in the future. Compassion and riotous indignation are still vital qualifications for the leaders of a Nation. Patsy Mink was a great leader of this great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness in the family.

Mr. THOMPSON of California (at the request of Mr. GEPHARDT) for October 1 on account of congressional business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:

Mr. SHIMKUS, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 3.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, October 3, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9469. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pork Promotion, Research, and Consumer Information Order: Rules and Regulations—Decrease in Assessment Rate and Decrease of Importer Assessments [No. LS-02-09] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9470. A letter from the Administrator, Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — United States Standards for Milled Rice — received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9471. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act by the Department of Housing and Urban Development, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9472. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9473. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Clinical Chemistry and Clinical Toxicology Devices; Reclassification of Cyclosporine and Tacrolimus Assays [Docket Nos. 01P-0119 and 01P-0235] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9474. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9475. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill approving the location of a Memorial to former President John Adams and his legacy in the Nation's Capital; to the Committee on Resources.

9476. A letter from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Snakeheads (family Channidae) (RIN: 1018-A136) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9477. A letter from the Director, Office of Hearings and Appeals, Department of Interior, transmitting the Department's final rule — Special Rules Applicable to Surface Coal Mining Hearings and Appeals (RIN: 1090-AA82) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9478. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 091902E] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9479. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government (RIN: 3150-AG96) received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9480. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Hobe Sound bridge (SR 708), Atlantic Intracoastal Waterway, mile 996.0, Hobe Sound, Martin County, FL [CGD07-02-119] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Cape Fear River, Wilmington, NC [CGD05-02-075] (RIN: 2115-AE46) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile 134.0, Cypremort Point, Louisiana [COTP Morgan City-02-004] (RIN: 2115-AA97) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-63) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9484. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Supplementary Medical Insurance Premium Surcharge Agreements [CMS-1221-F] (RIN: 0938-AK42) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9485. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions [CMS-1201-IFC] (RIN: 0938-AL59) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1946. A bill to require the Secretary of

the Interior to construct the Rocky Boy's/ North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes (Rept. 107-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 5521. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5428. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 107-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 568. Resolution providing for consideration of the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107-718). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. SMITH of Texas, Mr. SESSIONS, and Mr. HALL of Texas):

H.R. 5520. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from minimum wage and maximum hours requirements for certain seasonal fire-works employees; to the Committee on Education and the Workforce.

By Ms. LOFGREN (for herself and Mr. HONDA):

H.R. 5522. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. ISRAEL, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Mr. ENGEL, Mr. HINCHEY, Mrs. LOWEY, Mr. WEINER, Mr. OWENS, Ms. VELAZQUEZ, Mr. McNULTY, Mr. KING, Ms. NORTON, Mr. MORAN of Virginia, and Mrs. MCCARTHY of New York):

H.R. 5523. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself and Mr. LAN-TOS):

H.R. 5524. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. GEKAS:

H.R. 5525. A bill to amend title 11 of the United States Code to prevent corporate bankruptcy abuse and provide greater protection for employees, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAULO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5526. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAULO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5527. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 5528. A bill to provide for the establishment of the Center for International Human Rights; to the Committee on International Relations.

By Mr. VISCLOSKEY (for himself and Mr. FROST):

H.R. 5529. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 5530. A bill to amend title 38, United States Code, to enhance the right of the Department of Veterans Affairs to recover payments by third parties for costs of providing non-service-connected care to beneficiaries of such third parties; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. HYDE, Mr. BACHUS, Mr. ROYCE, and Mr. PAYNE):

H.R. 5531. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, and in addition to the

Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 5532. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require public availability of an accounting of all funds used, or required to be used, for response to a release of a hazardous substance or pollutant or contaminant; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, Mr. ROHRBACHER, Mr. HINOJOSA, Mr. CUMMINGS, Mr. BERRY, and Mr. ORTIZ):

H.R. 5533. A bill to provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. SHOWS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 5534. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself, Mr. DINGELL, Mr. GILCREST, and Mr. UNDERWOOD):

H.R. 5535. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and of the Detroit River International Wildlife Refuge; to the Committee on Resources.

By Mr. NADLER:

H.R. 5536. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to allow the \$25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. PICKERING:

H.R. 5538. A bill to amend title 23, United States Code, to waive certain limitations; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING:

H.R. 5539. A bill to amend title XVIII of the Social Security Act to provide for coverage of medication therapy management services, including disease specific management services, for certain high-risk patients under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. SOUDER):

H.R. 5540. A bill to encourage respect for the rights of religious and ethnic minorities in Iran and to deter Iran from supporting international terrorism and from furthering its weapons of mass destruction programs; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS:

H.R. 5541. A bill to reject proposals to partially or completely divert funds, which normally would be designated for the Social Security trust fund, into private savings accounts as a substitute for the lifelong, guaranteed, inflation-protected insurance benefits provided through Social Security; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. GEPHARDT, Mr. ABERCROMBIE, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. ROEMER, Mr. SCOTT, Ms. WOOLSEY, Ms. RIVERS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, Mr. WU, Mr. HOLT, Ms. SOLIS, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. BLAGOJEVICH, Mr. HONDA, Ms. LEE, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. MCINTYRE, Ms. KAPTUR, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. BOEHNER, Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, Mr. SANDERS, Ms. SANCHEZ, Mr. GREENWOOD, Ms. BERKLEY, Mr. WAXMAN, Mr. GILMAN, Mr. SHAYS, Mr. PETERSON of Minnesota, and Mr. EVANS):

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy T. Mink; to the Committee on Education and the Workforce.

By Mr. HASTERT (for himself and Mr. GEPHARDT):

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq; to the Committee on International Relations.

By Mr. ABERCROMBIE:

H.J. Res. 115. A joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Resources.

By Mr. LATOURETTE (for himself and Mr. CROWLEY):

H. Con. Res. 495. Concurrent resolution supporting the goals and ideals of National Safety Forces Appreciation Week; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. ROHRABACHER, and Mrs. LOWEY):

H. Con. Res. 496. Concurrent resolution expressing the sense of the Congress regarding so-called "honor killings"; to the Committee on International Relations.

By Mr. SCHAFFER:

H. Con. Res. 497. Concurrent resolution supporting the goals and ideals of National Take Your Kids to Vote Day; to the Committee on Government Reform.

By Mr. SOUDER (for himself and Mr. CUMMINGS):

H. Res. 569. A resolution expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

368. The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1786 memorializing the United States Congress and the President to support and enact legislation to establish a tobacco quota buyout program; to the Committee on Agriculture.

369. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 46 memorializing the President and Congress of the United States to enact legislation that contains steps to ensure that Medicare home health care recipients are guaranteed the best care, and that home health providers, who have undergone multiple regulation and administrative changes at the hands of the federal government are not further harmed; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 185: Mr. OLVER.
 H.R. 356: Mr. GREEN of Wisconsin.
 H.R. 394: Mr. MICA, Mr. TOOMEY, Mr. GREEN of Wisconsin, Mr. LAHOOD, and Mr. LARSEN of Washington.
 H.R. 440: Mr. RODRIGUEZ.
 H.R. 840: Mr. BLUMENAUER, Ms. DUNN, Mr. OWENS, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. PICKERING, Mr. WELDON of Pennsylvania, Mr. MCINNIS, Mr. WALSH, and Mr. SHOWS.
 H.R. 854: Mr. GUTIERREZ.
 H.R. 984: Mr. BOEHNER.
 H.R. 1296: Mr. TIERNEY, Mr. KENNEDY, of Rhode Island, Mr. AKIN.
 H.R. 1353: Mr. LUTHER.
 H.R. 1434: Mr. GRUCCI.
 H.R. 1509: Mr. NORTON, Mr. LIPINSKI, and Ms. BROWN of Florida.
 H.R. 1520: Mr. NADLER.
 H.R. 1903: Mrs. CLAYTON, Mr. HILLIARD, Ms. NORTON, Mr. TOWNS, Mr. FROST, and Mr. CROWLEY.
 H.R. 1918: Mr. DIAZ-BALART.
 H.R. 2020: Mr. MCINTYRE.
 H.R. 2349: Mr. MCINTYRE.
 H.R. 2374: Mr. WELLER, Mr. MICA, Mr. McNULTY, Mr. ALLEN, and Mr. WALDEN of Oregon.
 H.R. 2527: Mr. NEY.
 H.R. 2573: Mr. CONYERS, Mr. DELAHUNT, and Mr. PHELPS.
 H.R. 2748: Mr. UDALL of Colorado.
 H.R. 3612: Mr. BISHOP.
 H.R. 3688: Mr. MARKEY, Mrs. DAVIS of California, Mr. OWENS, and Mr. BALDACCIO.
 H.R. 3836: Mr. ENGEL and Mr. FRANK.
 H.R. 4027: Mr. RANGEL.
 H.R. 4170: Mr. BALLENGER.
 H.R. 4551: Mr. PHELPS.
 H.R. 4573: Mr. FRANK.
 H.R. 4582: Mr. ANDREWS.
 H.R. 4614: Mr. ALLEN.
 H.R. 4675: Mr. CAMP.
 H.R. 4718: Mr. FOLEY.
 H.R. 4760: Ms. NORTON, Mr. McNULTY, Mr. HOLDEN, Ms. WATSON, and Mr. RANGEL.
 H.R. 4762: Mr. KUCINICH, Mr. OWENS, and Ms. WOOLSEY.
 H.R. 4789: Mr. SCHAFFER.
 H.R. 4790: Mr. SCHAFFER.
 H.R. 4804: Mr. MCHUGH, Mrs. CHRISTENSEN, Mr. WYNN, Mr. PAYNE, and Mr. TAYLOR of North Carolina.
 H.R. 4950: Mr. PENCE and Mr. JONES of North Carolina.

H.R. 4955: Mr. LATHAM.
 H.R. 5085: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 5127: Mr. ROTHMAN.
 H.R. 5146: Mr. MALONEY of Connecticut, Mr. HOFFFEL, Mr. TIERNEY, Mr. SAXTON, and Mr. GREENWOOD.
 H.R. 5174: Mr. SCHAFFER.
 H.R. 5183: Mr. LUCAS of Kentucky.
 H.R. 5186: Mr. MANZULLO and Mr. ISRAEL.
 H.R. 5228: Mr. PAUL.
 H.R. 5229: Mr. PAUL and Mr. DOYLE.
 H.R. 5241: Mr. ALLEN and Mr. NADLER.
 H.R. 5250: Mrs. MALONEY of New York, Mr. CHAMBLISS, Mr. PHELPS, Mr. RILEY, Mr. BILIRAKIS, Mr. ENGLISH, and Mr. GILMAN.
 H.R. 5257: Mr. DOYLE, Mr. GREEN of Wisconsin, and Mr. OWENS.
 H.R. 5259: Mr. BRADY of Texas.
 H.R. 5268: Mr. LARSEN of Washington, Mr. CUMMINGS, Mr. OLVER, and Ms. KILPATRICK.
 H.R. 5285: Mr. BARTON of Texas.
 H.R. 5287: Mr. GREEN of Wisconsin.
 H.R. 5304: Ms. BERKLEY.
 H.R. 5326: Mr. BISHOP.
 H.R. 5334: Mr. KING, Mr. LOBIONDO, Mr. SERRANO, Mr. SCOTT, Ms. MCCARTHY of Missouri, Mr. GREEN of Texas, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. STRICKLAND, Mr. HINCHEY, Mr. OLVER, Mrs. MCCARTHY of New York, Mr. COSTELLO, and Mr. MASCARA.
 H.R. 5346: Ms. ROYBAL-ALLARD, Mr. TOWNS, Mr. ABERCROMBIE, Mr. CAPUANO, Ms. WATERS, Mr. THOMPSON of Mississippi, Ms. ESHOO, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Ms. RIVERS, Mr. PHELPS, Mr. LANTOS, Mr. MENEDEZ, Mr. BERMAN, and Mr. WAXMAN.
 H.R. 5350: Mr. HILLIARD, Mr. LIPINSKI, Mr. FORST, and Ms. NORTON.
 H.R. 5376: Mr. FLAKE.
 H.R. 5380: Mr. JEFF MILLER of Florida, Mr. GREEN of Wisconsin, and Mr. SESSIONS.
 H.R. 5398: Mr. ARMEY, Ms. LOFGREN, Mr. TOM DAVIS of Virginia, and Mr. SESSIONS.
 H.R. 5433: Mr. LAHOOD and Mr. PHELPS.
 H.R. 5465: Mrs. CAPPS.
 H.R. 5476: Ms. NORTON and Mr. WEXLER.
 H.R. 5480: Mrs. MYRICK and Mr. TAYLOR of North Carolina.
 H.R. 5491: Ms. PELOSI.
 H.R. 5499: Mr. CLYBURN, Mr. BISHOP, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. PAYNE, and Mr. FORD.
 H.R. 5503: Mr. THORNBERRY.
 H.R. 5510: Mr. MORAN of Virginia.
 H.R. 5512: Mr. SMITH of Washington.
 H. Con. Res. 399: Mr. REYNOLDS, Mr. WALSH, Mr. GILMAN, Mr. QUINN, Mr. BOHLERT, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. GRUCCI, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. CROWLEY, Mr. McNULTY, Mr. RANGEL, Mr. STRICKLAND, Mr. KING, Mr. ACKERMAN, Mr. NADLER, Mr. LAFALCE, Mr. SWEENEY, Mr. TOWNS, Mr. ENGEL, and Ms. VELAZQUEZ.
 H. Con. Res. 406: Mr. UDALL of Colorado.
 H. Con. Res. 422: Mr. HOYER and Mr. ABERCROMBIE.
 H. Con. Res. 436: Mr. LEVIN, Ms. WATSON, Mr. FRELINGHUYSEN, and Ms. MILLENDER-McDONALD.
 H. Con. Res. 445: Mr. JEFF MILLER of Florida, Mrs. ROUKEMA, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. BROWN of South Carolina, and Mr. ROGERS of Michigan.
 H. Con. Res. 466: Mr. SCHAFFER and Mr. WYNN.
 H. Con. Res. 480: Ms. LOFGREN.
 H. Con. Res. 486: Mr. KILDEE, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. BALDACCIO.
 H. Con. Res. 487: Mr. MEEKS of New York and Mr. FRANK.
 H. Res. 369: Mrs. MORELLA.
 H. Res. 505: Mr. CUNNINGHAM and Mr. BROWN of South Carolina.

H. Res. 557: Mr. BALDACCI.
H. Res. 559: Mr. CANTOR.

PETITIONS, ETC.

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 petitioning the United States Congress to express gratitude to Congressman Benjamin Gilman for his many years of public service; which was referred to the Committee on House Administration.

ADMDENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2690

OFFERED BY: MR. ADERHOLT

AMENDMENT No. 1: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government. The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment (See *Everson v. Board of Education* Hamilton, 330 U.S. 1, 14-16, and *Cantwell v. Connecticut*, 310 U.S. 296). The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States. The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is among the powers reserved to the States respectively. The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

S. 2690

OFFERED BY: MR. HAYES

AMENDMENT No. 2: At the end of section 1, insert the following:

(17) In the Chambers of the House of Representatives are displayed twenty-three marble relief portraits of "lawgivers" who were selected by a special committee for their work in establishing the principles that underlie American law. The relief of Moses, who delivered the Ten Commandments from Mount Sinai more than 3000 years ago, is the only relief that is full faced rather than in profile. The relief of Moses is positioned di-

rectly opposite the Speaker's rostrum, overseeing the proceedings of the House. In the building housing the Supreme Court of the United States there are multiple depictions of the Ten Commandments, including one located on the lower half of the doors leading into the chamber and another in the chamber itself above the bench from which the Justices preside. Even the entry to the National Archives of the United States, where the Constitution and the Declaration of Independence are publicly displayed, is adorned with the Ten Commandments. The Supreme Court, most notably in *Lynch v. Donnelly*, 465 U.S. 668 (1984), has cited such displays when upholding the constitutionality of other religious displays by municipal governments. The depiction of Moses and the Ten Commandments in the Capitol of the United States, the Supreme Court of the United States, and the National Archives is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SHIMKUS

AMENDMENT No. 3: At the end of section 1, insert the following:

(17) Beginning in 1774, the Continental Congress adopted the procedure of opening its sessions with a prayer offered by a paid chaplain. The First Congress of the new Republic continued this tradition when, in April of 1789, both the House of Representatives and the Senate appointed committees to consider the election of chaplains. In April and May of that same year, the Senate and House respectively elected their first chaplain and in September legislation was enacted providing for the payment of these chaplains. In the 1850s the Senate considered "sundry petitions praying Congress to abolish the office of Chaplain" (S.Rep. No. 376, 32d Cong., 2d Sess.), ultimately concluding, however, that the practice did not violate the Establishment Clause. In 1854, the Committee on the Judiciary of the House of Representatives also examined the issue of taxpayer-funded chaplains and, in a report titled "Chaplains in Congress and in the Army and Navy", stated, "What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the non-conformist. There never was an established religion without these." In 1983, the Supreme Court of the United States heard arguments as to whether or not a similar practice of opening the Nebraska State Legislature with prayer offered by a paid chaplain violated the Establishment Clause of the First Amendment to the Constitution (*Marsh v. Chambers*, 463 U.S. 783 (1983)). The Supreme Court found that such a practice is not in fact unconstitutional. Other public bodies also open their proceedings with prayers or invocations to God, including the Supreme Court of the United States, which opens its proceedings with an announcement that concludes, "God save the United States and this Honorable

Court." The practice of opening meetings of the House of Representatives, the Senate, and the Supreme Court with prayer (including those offered by taxpayer-supported chaplains), references to God, and invocations of blessing is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT No. 4: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution secures the rights of all Americans to freely exercise their religion and thus "mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." *Lynch v. Donnelly*, 465 U.S. 668, 673 (1983). In 2000, the Commonwealth of Virginia enacted legislation mandating that each school division in the State establish a "minute of silence" in its classrooms so that "each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice," Va. Code Ann. 22.1-203. On July 24, 2001, the United States Court of Appeals for the Fourth Circuit held that the statute did not violate the First Amendment to the Constitution as applied to the several States through the Fourteenth Amendment. See *Brown v. Gilmore*, 258 F.3d 265 (4th Cir. 2001). Writing for the majority, Justice Niemeyer wrote, "In sum, establishing a minute of silence, during which students may choose to pray or to meditate in a silent and non-threatening manner, Virginia has introduced at most a minor and nonintrusive accommodation of religion that does not establish religion." *Id.* at 278. Justice Niemeyer further wrote, "Recognizing that the Religion Clauses of the Constitution are intended to protect religious liberty, Virginia's minute of silence is no more than a modest step in that direction by providing a non-intrusive and constitutionally legitimate accommodation." *Id.* On October 29, 2001, the Supreme Court of the United States let stand the ruling of the Fourth Circuit in *Brown v. Gilmore*. See *Brown v. Gilmore*, 122 S. Ct. 465 (2001). The Virginia statute mandating a "minute of silence" protects and advances this right for public school students in a constitutionally permissible manner. Indeed, in *Wallace v. Jaffree*, the Supreme Court of the United States distinguished Alabama's moment of silence statutes from a statute which, similar to Virginia's, protects "every student's right to engage in voluntary prayer during an appropriate moment of silence during the school day." 472 U.S. 38, 59 (1985). Students enrolled in public school in the other several States should be accorded a similar protection of their First Amendment rights as extended to students in the Commonwealth of Virginia. The several States have within their powers, as reserved under the Tenth Amendment to the Constitution, the power to enact statutes similar to the Virginia "minute of silence" statute.