

years than is needed to run the government. This surplus is the direct result of the diligence and hard work of the American people. The choice for this Congress is simple: keep the money for more Washington bureaucracy or return a portion of the surplus to working men and women. Mr. Speaker, I choose the people. Under the tax cut proposal, every American that pays income taxes will receive significant tax relief.

Mr. Speaker, this bill puts money back in the hands of Americans. Make no mistake, this is real tax relief for real people. Mr. Speaker, now more than ever Americans need to keep more of their hard-earned money in their pockets. The American people are overtaxed, and I look forward to voting today to return a portion of their money back to them. Taxpayers have earned it, and our slowing economy deserves it.

□ 1015

### WHITHER THE TAX CUT

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

Mr. SANDLIN. Mr. Speaker, the American public is not fooled by the charade before us today. Many in this Chamber claim that we have a \$5 trillion surplus. The fact is this: We have a \$5 trillion debt. Only in Washington, D.C., only here in the Nation's capital can a \$5 trillion debt somehow magically transform itself into a \$5 trillion surplus. That is new math at its finest. I do not know about you, but where I went to school in Texas, that just does not add up.

According to my figures, in order to have a \$5 trillion surplus, we would need to have \$10 trillion in the bank. But as our friend Chris Farley might have said, "We don't have Jack Squat." We need tax cuts in America. I support tax cuts in America. The Blue Dogs support tax cuts in America. But let us be responsible. We need a budget before we have tax cuts. We need to do what every family farmer does and every family business. Every family in America has a budget first. Mr. Speaker, let us formulate a budget first. Then we will give America the tax break that it deserves.

### THE JOURNAL

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 8, 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.

Mr. TURNER. 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 230, nays 180, answered "present" 1, not voting 21, as follows:

[Roll No. 34]

YEAS—230

|               |               |               |
|---------------|---------------|---------------|
| Abercrombie   | Gordon        | Otter         |
| Akin          | Goss          | Oxley         |
| Armey         | Graham        | Pastor        |
| Bachus        | Granger       | Paul          |
| Baker         | Graves        | Payne         |
| Ballenger     | Green (WI)    | Pence         |
| Barr          | Greenwood     | Peterson (PA) |
| Bartlett      | Grucci        | Petri         |
| Bass          | Gutknecht     | Pickering     |
| Bereuter      | Hall (TX)     | Pitts         |
| Berman        | Hansen        | Pombo         |
| Biggert       | Hart          | Portman       |
| Bilirakis     | Hastings (FL) | Pryce (OH)    |
| Blunt         | Hastings (WA) | Putnam        |
| Boehlert      | Hayes         | Quinn         |
| Boehner       | Hayworth      | Radanovich    |
| Bonilla       | Hefley        | Regula        |
| Bono          | Herger        | Rehberg       |
| Boyd          | Hillery       | Reynolds      |
| Brady (TX)    | Hobson        | Riley         |
| Brown (SC)    | Hoekstra      | Rogers (KY)   |
| Bryant        | Horn          | Rogers (MI)   |
| Burton        | Hostettler    | Rohrabacher   |
| Buyer         | Houghton      | Ros-Lehtinen  |
| Callahan      | Hunter        | Roukema       |
| Calvert       | Hutchinson    | Royce         |
| Camp          | Hyde          | Ryan (WI)     |
| Cannon        | Isakson       | Ryun (KS)     |
| Cantor        | Issa          | Saxton        |
| Capito        | Istook        | Scarborough   |
| Castle        | Jenkins       | Schrock       |
| Chabot        | Johnson (CT)  | Sensenbrenner |
| Chambliss     | Johnson (IL)  | Sessions      |
| Clyburn       | Johnson, Sam  | Shadegg       |
| Coble         | Keller        | Shaw          |
| Collins       | Kelly         | Sherwood      |
| Combest       | Kennedy (MN)  | Shimkus       |
| Conyers       | Kerns         | Simmons       |
| Cooksey       | Kildee        | Simpson       |
| Cox           | King (NY)     | Skeen         |
| Crane         | Kingston      | Smith (MI)    |
| Crenshaw      | Kirk          | Smith (NJ)    |
| Cubin         | Klecza        | Smith (TX)    |
| Culberson     | Knollenberg   | Souder        |
| Cunningham    | Kolbe         | Spence        |
| Davis, Jo Ann | LaHood        | Stearns       |
| Davis, Tom    | Largent       | Stump         |
| Deal          | Latham        | Sununu        |
| DeLay         | Leach         | Sweeney       |
| DeMint        | Lewis (KY)    | Tauzin        |
| Diaz-Balart   | Linder        | Taylor (NC)   |
| Dingell       | Lipinski      | Terry         |
| Doolittle     | LoBiondo      | Thomas        |
| Dreier        | Lucas (OK)    | Thornberry    |
| Duncan        | Maloney (CT)  | Thune         |
| Dunn          | Maloney (NY)  | Tiahrt        |
| Edwards       | Manzullo      | Tiberi        |
| Ehlers        | McCrery       | Toomey        |
| Ehrlich       | McHugh        | Trafigant     |
| Emerson       | McInnis       | Upton         |
| English       | McKeon        | Vitter        |
| Everett       | Mica          | Walden        |
| Ferguson      | Miller (FL)   | Walsh         |
| Flake         | Miller, Gary  | Wamp          |
| Fletcher      | Moakley       | Watkins       |
| Foley         | Mollohan      | Watts (OK)    |
| Fossella      | Moran (KS)    | Waxman        |
| Frelinghuysen | Morella       | Weldon (FL)   |
| Gallely       | Myrick        | Weldon (PA)   |
| Ganske        | Nethercutt    | Weller        |
| Gekas         | Ney           | Whitfield     |
| Gibbons       | Northup       | Wicker        |
| Gilchrest     | Norwood       | Wilson        |
| Gillmor       | Nussle        | Wolf          |
| Gilman        | Ortiz         | Wu            |
| Goode         | Osborne       | Young (FL)    |
| Goodlatte     | Ose           |               |

NAYS—180

|          |          |         |
|----------|----------|---------|
| Aderholt | Baird    | Barrett |
| Allen    | Baldacci | Becerra |
| Andrews  | Baldwin  | Bentsen |
| Baca     | Barcia   | Berkley |

|             |                |               |
|-------------|----------------|---------------|
| Berry       | Inslee         | Pallone       |
| Bishop      | Israel         | Pascarell     |
| Blagojevich | Jackson (IL)   | Pelosi        |
| Blumenauer  | Jackson-Lee    | Peterson (MN) |
| Borski      | (TX)           | Pelphs        |
| Boswell     | Jefferson      | Pomeroy       |
| Boucher     | John           | Price (NC)    |
| Brady (PA)  | Johnson, E. B. | Rahall        |
| Brown (FL)  | Jones (OH)     | Ramstad       |
| Brown (OH)  | Kanjorski      | Rangel        |
| Capps       | Kaptur         | Reyes         |
| Capuano     | Kennedy (RI)   | Rivers        |
| Cardin      | Kilpatrick     | Rodriguez     |
| Carson (IN) | Kind (WI)      | Roemer        |
| Carson (OK) | Kucinich       | Ross          |
| Clay        | LaFalce        | Rothman       |
| Clayton     | Lampson        | Roybal-Allard |
| Clement     | Langevin       | Rush          |
| Condit      | Lantos         | Sabo          |
| Costello    | Larsen (WA)    | Sanchez       |
| Cramer      | Larson (CT)    | Sanders       |
| Crowley     | Lee            | Sandlin       |
| Davis (CA)  | Levin          | Sawyer        |
| Davis (IL)  | Lewis (GA)     | Schaffer      |
| DeFazio     | Lofgren        | Schakowsky    |
| DeGette     | Lowey          | Schiff        |
| Delahunt    | Lucas (KY)     | Scott         |
| Deutsch     | Luther         | Serrano       |
| Dicks       | Markey         | Sherman       |
| Doggett     | Mascara        | Sisisky       |
| Dooley      | Matheson       | Slaughter     |
| Doyle       | Matsui         | Smith (WA)    |
| Engel       | McCarthy (MO)  | Snyder        |
| Eshoo       | McCarthy (NY)  | Solis         |
| Etheridge   | McCollum       | Spratt        |
| Evans       | McDermott      | Stark         |
| Farr        | McGovern       | Stenholm      |
| Filner      | McIntyre       | Strickland    |
| Ford        | McKinney       | Tanner        |
| Frank       | McNulty        | Tauscher      |
| Frost       | Meehan         | Taylor (MS)   |
| Gephardt    | Meek (FL)      | Thompson (CA) |
| Gonzalez    | Meeks (NY)     | Thompson (MS) |
| Green (TX)  | Menendez       | Thurman       |
| Hall (OH)   | Millender      | Towns         |
| Harman      | McDonald       | Turner        |
| Hill        | Miller, George | Udall (CO)    |
| Hilliard    | Mink           | Udall (NM)    |
| Hinchey     | Moore          | Velazquez     |
| Hinojosa    | Moran (VA)     | Visclosky     |
| Hoeffel     | Murtha         | Waters        |
| Holden      | Nadler         | Watt (NC)     |
| Holt        | Napolitano     | Weiner        |
| Honda       | Neal           | Wexler        |
| Hooley      | Oberstar       | Woolsey       |
| Hoyer       | Obey           | Wynn          |
| Hulshof     | Olver          |               |

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—21

|            |            |            |
|------------|------------|------------|
| Ackerman   | DeLauro    | Platts     |
| Barton     | Fattah     | Shays      |
| Bonior     | Gutierrez  | Shows      |
| Burr       | Jones (NC) | Skelton    |
| Coyne      | LaTourette | Stupak     |
| Cummings   | Lewis (CA) | Tierney    |
| Davis (FL) | Owens      | Young (AK) |

□ 1041

Mrs. MINK of Hawaii, Ms. HARMAN, Mrs. MCCARTHY of New York, Messrs. ROTHMAN, ISRAEL, HOLDEN, KIND, RAHALL, DOOLEY of California, SPRATT, BARCIA, DAVIS of Illinois and WATT of North Carolina changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

### MOTION TO ADJOURN

Mr. HILL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion to adjourn offered by the gentleman from Indiana (Mr. HILL).

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

## RECORDED VOTE

Mr. HILL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 17, as follows:

[Roll No. 35]

AYES—174

|               |                |               |
|---------------|----------------|---------------|
| Allen         | Hilliard       | Neal          |
| Andrews       | Hinchey        | Oberstar      |
| Baca          | Hinojosa       | Obey          |
| Baird         | Hoeffel        | Olver         |
| Baldwin       | Holden         | Ortiz         |
| Becerra       | Holt           | Owens         |
| Bentsen       | Honda          | Pallone       |
| Berkley       | Hoyer          | Pascarell     |
| Berman        | Inslee         | Payne         |
| Berry         | Israel         | Pelosi        |
| Bishop        | Jackson (IL)   | Peterson (MN) |
| Blagojevich   | Jackson-Lee    | Phelps        |
| Bonior        | (TX)           | Pomeroy       |
| Borski        | Jefferson      | Price (NC)    |
| Boswell       | John           | Radanovich    |
| Boucher       | Johnson, E. B. | Rangel        |
| Boyd          | Jones (OH)     | Rivers        |
| Brady (PA)    | Kanjorski      | Rodriguez     |
| Brown (FL)    | Kaptur         | Ross          |
| Brown (OH)    | Kennedy (RI)   | Rothman       |
| Capps         | Kildee         | Roybal-Allard |
| Capuano       | Kilpatrick     | Rush          |
| Cardin        | LaFalce        | Sabo          |
| Carson (IN)   | Lampson        | Sanchez       |
| Carson (OK)   | Langevin       | Sanders       |
| Clay          | Lantos         | Sandlin       |
| Clement       | Larsen (WA)    | Sawyer        |
| Clyburn       | Larson (CT)    | Schakowsky    |
| Condit        | Lee            | Schiff        |
| Conyers       | Levin          | Serrano       |
| Coyne         | Lewis (GA)     | Sherman       |
| Cramer        | Lowey          | Sisisky       |
| Crowley       | Lucas (KY)     | Slaughter     |
| Cummings      | Luther         | Smith (WA)    |
| Davis (CA)    | Maloney (CT)   | Snyder        |
| Davis (IL)    | Maloney (NY)   | Solis         |
| DeFazio       | Markey         | Spratt        |
| DeGette       | Mascara        | Stark         |
| DeLauro       | Matsui         | Stenholm      |
| Deutsch       | McCarthy (MO)  | Strickland    |
| Dicks         | McCarthy (NY)  | Tanner        |
| Dingell       | McCollum       | Tauscher      |
| Doggett       | McDermott      | Taylor (MS)   |
| Doyle         | McGovern       | Thompson (CA) |
| Engel         | McIntyre       | Thompson (MS) |
| Eshoo         | McKinney       | Tierney       |
| Evans         | McNulty        | Towns         |
| Farr          | Meehan         | Turner        |
| Filner        | Meek (FL)      | Udall (CO)    |
| Ford          | Meeks (NY)     | Udall (NM)    |
| Frank         | Menendez       | Velazquez     |
| Frost         | Millender      | Visclosky     |
| Gephardt      | McDonald       | Waters        |
| Gonzalez      | Miller, George | Watt (NC)     |
| Gutierrez     | Mink           | Weiner        |
| Hall (OH)     | Moakley        | Wexler        |
| Harman        | Moore          | Woolsey       |
| Hastings (FL) | Nadler         | Wynn          |
| Hill          | Napolitano     |               |

NOES—241

|             |               |               |
|-------------|---------------|---------------|
| Abercrombie | Burr          | Deal          |
| Aderholt    | Burton        | DeLay         |
| Akin        | Buyer         | DeMint        |
| Armey       | Callahan      | Diaz-Balart   |
| Bachus      | Calvert       | Dooley        |
| Baker       | Camp          | Doolittle     |
| Baldacci    | Cannon        | Dreier        |
| Ballenger   | Cantor        | Duncan        |
| Barcia      | Capito        | Dunn          |
| Barr        | Castle        | Edwards       |
| Barrett     | Chabot        | Ehlers        |
| Bartlett    | Chambliss     | Ehrlich       |
| Barton      | Clayton       | Emerson       |
| Bass        | Coble         | English       |
| Bereuter    | Collins       | Etheridge     |
| Biggart     | Combest       | Everett       |
| Bilirakis   | Cooksey       | Ferguson      |
| Blumenauer  | Costello      | Flake         |
| Blunt       | Cox           | Fletcher      |
| Boehlert    | Crane         | Foley         |
| Boehner     | Crenshaw      | Fossella      |
| Bonilla     | Cubin         | Frelinghuysen |
| Bono        | Culberson     | Gallegly      |
| Brady (TX)  | Cunningham    | Ganske        |
| Brown (SC)  | Davis, Jo Ann | Gekas         |
| Bryant      | Davis, Tom    | Gibbons       |

|              |               |               |
|--------------|---------------|---------------|
| Gilchrest    | Latham        | Roukema       |
| Gillmor      | Leach         | Royce         |
| Gilman       | Lewis (KY)    | Ryan (WI)     |
| Goode        | Linder        | Ryun (KS)     |
| Goodlatte    | Lipinski      | Scarborough   |
| Gordon       | LoBiondo      | Schaffer      |
| Goss         | Lofgren       | Schrock       |
| Graham       | Lucas (OK)    | Scott         |
| Granger      | Manzullo      | Sensenbrenner |
| Graves       | Matheson      | Sessions      |
| Green (TX)   | McCrery       | Shadegg       |
| Green (WI)   | McHugh        | Shaw          |
| Greenwood    | McInnis       | Shays         |
| Grucci       | McKeon        | Sherwood      |
| Gutknecht    | Mica          | Shimkus       |
| Hall (TX)    | Miller (FL)   | Simmons       |
| Hansen       | Miller, Gary  | Simpson       |
| Hart         | Mollohan      | Skeen         |
| Hayes        | Moran (KS)    | Smith (MI)    |
| Hayworth     | Morella       | Smith (TX)    |
| Hefley       | Murtha        | Souder        |
| Herger       | Myrick        | Spence        |
| Hilleary     | Nethercutt    | Stearns       |
| Hobson       | Ney           | Stump         |
| Hoekstra     | Norwood       | Sununu        |
| Hooley       | Nussle        | Sweeney       |
| Horn         | Osborne       | Tancredo      |
| Hostettler   | Ose           | Taylor (NC)   |
| Houghton     | Otter         | Terry         |
| Hulshof      | Oxley         | Thomas        |
| Hunter       | Pastor        | Thornberry    |
| Hutchinson   | Paul          | Thune         |
| Hyde         | Pence         | Thurman       |
| Isakson      | Peterson (PA) | Tiahrt        |
| Issa         | Petri         | Tiberi        |
| Istook       | Pickering     | Toomey        |
| Jenkins      | Pitts         | Trafcant      |
| Johnson (CT) | Platts        | Upton         |
| Johnson (IL) | Pombo         | Vitter        |
| Johnson, Sam | Portman       | Walden        |
| Jones (NC)   | Pryce (OH)    | Walsh         |
| Keller       | Putnam        | Wamp          |
| Kelly        | Quinn         | Watkins       |
| Kennedy (MN) | Rahall        | Watts (OK)    |
| Kerns        | Ramstad       | Weldon (FL)   |
| Kind (WI)    | Regula        | Weldon (PA)   |
| King (NY)    | Rehberg       | Weller        |
| Kingston     | Reyes         | Whitfield     |
| Kirk         | Reynolds      | Wicker        |
| Klecza       | Riley         | Wilson        |
| Knollenberg  | Roemer        | Wolf          |
| Kolbe        | Rogers (KY)   | Wu            |
| Kucinich     | Rogers (MI)   | Young (FL)    |
| LaHood       | Rohrabacher   |               |
| Largent      | Ros-Lehtinen  |               |

NOT VOTING—17

|               |            |            |
|---------------|------------|------------|
| Ackerman      | Lewis (CA) | Smith (NJ) |
| Davis (FL)    | Moran (VA) | Stupak     |
| Delahunt      | Northup    | Tauzin     |
| Fattah        | Saxton     | Waxman     |
| Hastings (WA) | Shows      | Young (AK) |
| LaTourette    | Skelton    |            |

□ 1059

Messrs. SMITH of Michigan, BONILLA, KELLER, and Ms. HART changed their vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 35 I was unavoidably detained. Had I been present, I would have voted “no.”

#### PROVIDING FOR CONSIDERATION OF H.R. 3, ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 83 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 83

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3) to amend the In-

ternal Revenue Code of 1986 to reduce individual income tax rates. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

□ 1100

#### PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Texas (Mr. STENHOLM) will state his parliamentary inquiry.

Mr. STENHOLM. Mr. Speaker, under what rules of the House is the rule that we are about to consider being brought to the floor when Section 303 of the Congressional Budget Act says that until the concurrent resolution on the budget for a fiscal year has been agreed to, it shall not be in order in the House of Representatives, with respect to the first fiscal year covered by that resolution, or the Senate, with respect to any fiscal year covered by that resolution, to consider any bill, any bill or joint resolution, amendment or motion thereto, or conference report thereon that; one, first provides new budget authority for that fiscal year; two, first provides an increase or decrease in revenues during the fiscal year; three, provides an increase or decrease in the public debt limit to become effective during the fiscal year; and, four, in the Senate only, first provides new entitlement authority for that fiscal year?

Mr. Speaker, my parliamentary inquiry is, under what rule of the House are we bringing this rule and this resolution today before this body?

The SPEAKER pro tempore. The Chair would respond to the gentleman that the rule is brought under rule XIII of the House, which allows the Committee on Rules to bring special orders of business to the House at any time, and it is under clause 5 of rule XIII that the rule is being considered.

Mr. STENHOLM. Mr. Speaker, I have a further parliamentary inquiry.

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

Mr. STENHOLM. Do I understand the Speaker to say that this rule is waiving this particular Federal law, or are there some technical definitions that we will hear in which technically that we are still within this law?

The SPEAKER pro tempore. The Chair would respond that the Clerk has