

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 over-taxed, 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	Heffley	Regula
Bono	Herger	Rehberg
Boyd	Hilleary	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
Combest	Kennedy (MN)	Sherwood
Conyers	Kerns	Shimkus
Cooksey	Kildee	Simmons
Cox	King (NY)	Simpson
Crane	Kingston	Skene
Crenshaw	Kirk	Smith (MI)
Cubin	Kleczka	Smith (NJ)
Culberson	Knollenberg	Smith (TX)
Cunningham	Colbe	Souder
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	Traficant
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)
Gallegly	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	Pascarella
Blagojevich	Jackson (IL)	Pelosi
Blumenauer	Jackson-Lee	Peterson (MN)
Borski	(TX)	Phelps
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	Royal-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	Lowey	Schakowsky
DeGette	Lucas (KY)	Schiff
Pitts	Luther	Scott
Delahunt	Dicks	Serrano
Deutsch	Markey	Sherman
Eshoo	Mascara	Sisisky
Etheridge	Matheson	Slaughter
Evans	McDermott	Smith (WA)
Farr	McGovern	Smith (MO)
Frost	McGovern	Snyder
Gephhardt	Menendez	McCarthy (NY)
Gonzalez	Meek (FL)	Solis
Green (TX)	Meeks (NY)	Spratt
Hall (OH)	Menendez	Stehman
Harmann	Millender	Strickland
Hill	McDonald	Tanner
Hilliard	Miller, George	Udall (CO)
Hinchey	Mink	Udall (NM)
Hinojosa	Moore	Tauscher
Hoeffel	Moran (VA)	Taylor (MS)
Holden	Murtha	Thompson (CA)
Holt	Nader	Thompson (MS)
Honda	Napolitano	Velazquez
Neal	Neal	Weiner
Hooley	Oberstar	Wexler
Hoyer	Obey	Woolsey
Hulshof	Olver	Wynn

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	Hoefel	Olver
Baldwin	Holden	Ortiz
Becerra	Holt	Owens
Bentsen	Honda	Pallone
Berkley	Hoyer	Pascarel
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	Royal-Allard
Capuano	Kilpatrick	Rush
Cardin	LaFalce	Sabu
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	McCullom	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-McDonald	Visclosky
Gephardt	Miller, George	Waters
Gonzalez	Mink	Watt (NC)
Gutierrez	Moakley	Weiner
Hall (OH)	Moore	Wexler
Harman	Nadler	Woolsey
Hastings (FL)	Napolitano	Wynn

NOES—241

Abercrombie	Burr	Deal
Aderholt	Burton	DeLay
Akin	Buyer	DeMint
Armey	Callahan	Diaz-Balart
Bachus	Calvert	Doolittle
Baker	Camp	Dreier
Baldacci	Cannon	Duncan
Ballenger	Cantor	Dunn
Barcia	Capito	Edwards
Barr	Castle	Ehlers
Barrett	Chabot	Ehrlich
Bartlett	Chambliss	Emerson
Barton	Clayton	English
Bass	Coble	Etheridge
Bereuter	Collins	Everett
Biggert	Combest	Ferguson
Bilirakis	Cooksey	Ferguson
Blumenauer	Costello	Flake
Blunt	Cox	Fletcher
Boehlert	Crane	Foley
Boehner	Crenshaw	Fossella
Bonilla	Cubin	Frelinghuysen
Bono	Culberson	Galligan
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	Scott
Graham	Lucas (OK)	Sensenbrenner
Granger	Menzel	Shadegg
Graves	Matheson	Shaw
Green (TX)	McCrary	McHugh
Green (WI)	McInnis	Shays
Greenwood	McKeon	Sherwood
Grucci	Mica	Shimkus
Gutknecht	Hall (TX)	Simmons
Hansen	Hart	Simpson
Hill	Hildeary	Skeen
Hobson	Hobson	Smith (MI)
Hoekstra	Horn	Smith (TX)
Hooley	Houghton	Morella
Hulshof	Hulshof	Ose
Hunter	Oxley	Tancredo
Hutchinson	Pastor	Terry
Hyde	Paul	Thomas
Isakson	Pence	Thornberry
Rush	Peterson (PA)	Thune
Istook	Pickering	Tiaht
Jenkins	Pitts	Tiberi
Johnson (CT)	Platts	Toomey
Johnson (IL)	Pombo	Traficant
Johnson, Sam	Portman	Upton
Jones (NC)	Pryce (OH)	Vitter
Keller	Putnam	Walder
Kelly	Reynolds	Walsh
Kennedy (MN)	Rahall	Wamp
Kerns	Ramstad	Watkins
Kind (WI)	Regula	Watts (OK)
King (NY)	Rehberg	Weldon (FL)
Kingston	Reyes	Witter
Kirk	Reynolds	Welden (PA)
Kleckzka	Riley	Wolfe
Kolbe	Roemer	Wu
Kucinich	Rogers (KY)	Young (FL)
Tanner	Rogers (MI)	
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