

Mr. CARDIN. Mr. Speaker, regrettably, I cannot support this bill because of the budget implications it would create. The Bush Administration has failed to produce a budget proposal that is fiscally responsible, it has failed to protect the Social Security surplus, and this bill will dip even further into that surplus. We cannot raid the Social Security surplus to reward private schools while we are in the middle of a budget crunch and a public school funding crunch.

There are two measures in H.R. 5203 that I do support. We should extend Section 529 savings accounts so that hard-working parents can attempt to keep pace with rapidly rising higher education costs and give their children the opportunity to go to college by creating education savings accounts. We should also allow parents of military academy students with scholarships to withdraw Section 529 funds without penalty. We must give students who are attending our military academies the same treatment as students with other scholarships. I hope that we can enact a good budget bill that includes these important provisions.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McDERMOTT. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 5203, the bill just debated.

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

There was no objection.

#### CERTIFICATION AND STATEMENT OF JUSTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

Consistent with the resolution of advice and consent to ratification of the

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons—related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 4, 2002.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 31 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 5203, by the yeas and nays;

H.R. 3287, by the yeas and nays.

The vote on the motion to suspend the rules on House Resolution 94 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote.

#### EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and passing the bill, H.R. 5203, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 188, not voting 32, as follows:

[Roll No. 371]

#### YEAS—213

Aderholt	Granger	Paul
Akin	Graves	Pence
Armey	Green (WI)	Peterson (PA)
Bachus	Greenwood	Petri
Baker	Grucci	Pickering
Ballenger	Gutknecht	Pitts
Barcia	Hall (TX)	Platts
Bartlett	Hansen	Pombo
Barton	Hart	Portman
Bass	Hayes	Pryce (OH)
Bereuter	Hayworth	Putnam
Biggert	Hefley	Radanovich
Bilirakis	Herger	Ramstad
Bishop	Hilleary	Regula
Blunt	Hobson	Rehberg
Boehner	Hoekstra	Reynolds
Bonilla	Horn	Riley
Boozman	Hostettler	Rogers (KY)
Brady (TX)	Houghton	Rogers (MI)
Brown (SC)	Hulshof	Ros-Lehtinen
Bryant	Hunter	Royce
Burr	Hyde	Ryan (WI)
Burton	Isakson	Ryun (KS)
Callahan	Israel	Saxton
Calvert	Issa	Schaffer
Camp	Istook	Sensenbrenner
Cannon	Jenkins	Sessions
Cantor	John	Shadegg
Capito	Johnson (CT)	Shaw
Castle	Johnson (IL)	Shays
Chabot	Johnson, Sam	Sherwood
Chambliss	Jones (NC)	Shimkus
Clement	Keller	Shuster
Coble	Kelly	Simmons
Collins	Kennedy (MN)	Simpson
Combest	Kerns	Skeen
Cox	King (NY)	Smith (MI)
Crane	Kingston	Smith (NJ)
Crenshaw	Kirk	Smith (TX)
Cubin	Knollenberg	Souder
Culberson	Kolbe	Stearns
Cunningham	LaHood	Sullivan
Davis, Jo Ann	Larsen (WA)	Sununu
Deal	Latham	Sweeney
DeLay	LaTourette	Tancred
DeMint	Leach	Tauzin
Diaz-Balart	Lewis (CA)	Taylor (NC)
Doolittle	Lewis (KY)	Terry
Dreier	Linder	Thomas
Duncan	LoBiondo	Thornberry
Dunn	Lucas (KY)	Thune
Ehlers	Lucas (OK)	Tiahrt
Emerson	Manzullo	Tiberi
English	Matheson	Toomey
Everett	McCrery	Upton
Ferguson	McInnis	Vitter
Flake	McKeon	Walden
Fletcher	Mica	Walsh
Foley	Miller, Dan	Wamp
Forbes	Miller, Jeff	Watkins (OK)
Fossella	Moran (KS)	Watts (OK)
Frelinghuysen	Myrick	Weldon (FL)
Gallegly	Nethercutt	Weldon (PA)
Ganske	Ney	Weller
Gekas	Northup	Whitfield
Gibbons	Norwood	Wicker
Gilchrest	Nussle	Wilson (NM)
Gillmor	Osborne	Wilson (SC)
Goode	Ose	Wolf
Goodlatte	Otter	Wu
Goss	Oxley	Young (FL)

#### NAYS—188

Abercrombie	Baldacci	Blumenauer
Ackerman	Becerra	Boehlert
Allen	Bentsen	Bonior
Andrews	Berkley	Borski
Baca	Berry	Boswell
Baird	Blagojevich	Boucher

Boyd Jackson-Lee  
 Brady (PA) (TX)  
 Brown (FL) Jefferson  
 Brown (OH) Johnson, E. B.  
 Capps Jones (OH)  
 Capuano Kanjorski  
 Cardin Kennedy (RI)  
 Carson (OK) Kildee  
 Clay Kilpatrick  
 Clayton Kind (WI)  
 Clyburn Kleczka  
 Conyers Kucinich  
 Costello LaFalce  
 Coyne Lampson  
 Cramer Langevin  
 Cummings Lantos  
 Davis (CA) Larson (CT)  
 Davis (FL) Lee  
 Davis (IL) Levin  
 DeFazio Lewis (GA)  
 DeGette Lipinski  
 Delahunt Lofgren  
 DeLauro Lowey  
 Deutsch Luther  
 Dicks Lynch  
 Dingell Maloney (CT)  
 Doggett Maloney (NY)  
 Dooley Markey  
 Doyle Mascara  
 Edwards Matsui  
 Engel McCarthy (MO)  
 Eshoo McCarthy (NY)  
 Etheridge McCollum  
 Farr McDermott  
 Fattah McGovern  
 Filner McHugh  
 Ford McIntyre  
 Frank McKinney  
 Frost McNulty  
 Gephardt Meehan  
 Gonzalez Meek (FL)  
 Gordon Meeks (NY)  
 Green (TX) Menendez  
 Gutierrez Millender  
 Harman McDonald  
 Hastings (FL) Miller, George  
 Hill Mollohan  
 Hilliard Moore  
 Hinchey Moran (VA)  
 Hinojosa Morella  
 Hoeffel Nadler  
 Holden Napolitano  
 Holt Neal  
 Honda Oberstar  
 Hooley Obey  
 Hoyer Oliver  
 Inslee Ortiz  
 Jackson (IL) Owens

## NOT VOTING—32

Baldwin Ehrlich  
 Barr Evans  
 Barrett Gilman  
 Berman Graham  
 Bono Hall (OH)  
 Buyer Hastings (WA)  
 Carson (IN) Kaptur  
 Condit Miller, Gary  
 Cooksey Mink  
 Crowley Murtha  
 Davis, Tom Rivers

□ 1854

Ms. ESHOO, Mrs. CAPPS, Mr. SHOWS, Mr. SCHIFF, Mrs. MORELLA, and Mr. BOEHLERT 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.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3287.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 372]

YEAS—401

Abercrombie Culberson  
 Ackerman Cummings  
 Aderholt Cunningham  
 Akin Davis (CA)  
 Allen Davis (FL)  
 Andrews Davis (IL)  
 Arney Davis, Jo Ann  
 Baca Deal  
 Bachus DeFazio  
 Baird DeGette  
 Baker Delahunt  
 Baldacci DeLauro  
 Ballenger DeLay  
 Barcia DeMint  
 Bartlett Deutsch  
 Barton Diaz-Balart  
 Bass Dicks  
 Becerra Dingell  
 Bentsen Doggett  
 Bereuter Dooley  
 Berkley Doolittle  
 Berry Doyle  
 Biggert Dreier  
 Bilirakis Duncan  
 Bishop Dunn  
 Blagojevich Edwards  
 Blumenauer Ehlers  
 Blunt Emerson  
 Boehlert Engel  
 Boehner English  
 Bonilla Eshoo  
 Bonior Etheridge  
 Boozman Everett  
 Borski Farr  
 Boswell Fattah  
 Boucher Ferguson  
 Boyd Filner  
 Brady (PA) Flake  
 Brown (FL) Jones (NC)  
 Brown (OH) Jones (OH)  
 Brown (SC) Forbes  
 Bryant Ford  
 Burr Fossella  
 Burton Frank  
 Callahan Frelinghuysen  
 Calvert Frost  
 Camp Gallegly  
 Cannon Ganske  
 Cantor Gekas  
 Capito Gephardt  
 Capps Gibbons  
 Capuano Gilchrest  
 Cardin Gillmor  
 Carson (OK) Gilman  
 Castle Gonzalez  
 Chabot Goode  
 Chambliss Goodlatte  
 Clay Gordon  
 Clayton Goss  
 Clement Granger  
 Clyburn Graves  
 Coble Green (TX)  
 Collins Green (WI)  
 Combest Greenwood  
 Conyers Grucci  
 Costello Gutierrez  
 Cox Gutknecht  
 Coyne Hall (TX)  
 Cramer Hansen  
 Crane Harman  
 Crenshaw Hart  
 Cubin Hastings (FL)

Lipinski  
 LoBiondo  
 Lofgren  
 Lowey  
 Lucas (KY)  
 Lucas (OK)  
 Luther  
 Lynch  
 Maloney (CT)  
 Maloney (NY)  
 Manzullo  
 Markey  
 Mascara  
 Matheson  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McCollum  
 McCrery  
 McDermott  
 McGovern  
 McHugh  
 McInnis  
 McIntyre  
 McKeon  
 McKinney  
 McNulty  
 Meehan  
 Meek (FL)  
 Meeks (NY)  
 Menendez  
 Mica  
 Millender  
 McDonald  
 Miller, Dan  
 Miller, George  
 Miller, Jeff  
 Mollohan  
 Moore  
 Moran (KS)  
 Moran (VA)  
 Morella  
 Myrick  
 Nadler  
 Napolitano  
 Neal  
 Nethercutt  
 Ney  
 Northup  
 Norwood  
 Nussle  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Owens  
 Pallone  
 Pascrell  
 Pastor

Baldwin  
 Barr  
 Barrett  
 Berman  
 Bono  
 Brady (TX)  
 Buyer  
 Carson (IN)  
 Condit  
 Cooksey  
 Crowley  
 Davis, Tom  
 Ehrlich  
 Evans  
 Graham  
 Hall (OH)  
 Hastings (WA)  
 Kaptur  
 Miller, Gary  
 Mink  
 Murtha  
 Rivers

## NOT VOTING—32

Rohrabacher  
 Roukema  
 Sanchez  
 Schrock  
 Smith (WA)  
 Stump  
 Towns  
 Velazquez  
 Wexler  
 Young (AK)

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Wednesday, September 4, I was unavoidably detained due to a prior obligation in my district; had I been present and voting, I would have voted “no” on rollcall No. 371 and “yes” on rollcall No. 372.