

Hoyer  
Hulshof  
Hunter  
Hyde  
Inlee  
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.

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  
Tiberti  
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 (AK)  
Young (FL)

## 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  
Armey  
Baca  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barrett  
Bartlett  
Barton  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggett  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonior  
Bono  
Boozman  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (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-McDonald  
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)  
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  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen

## NAYS—14

Barr  
Bonilla  
Collins  
Culberson  
Everett

## NOT VOTING—17

Bass  
Clayton  
Cooksey  
Deal  
Ehrlich  
Hastings (FL)

□ 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

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)  
Thune  
Thurman  
Tiahrt  
Tiberti  
Tierney  
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 (AK)  
Young (FL)

Miller, Jeff  
Paul  
Thornberry  
Toomey

Herger  
Hilleary  
Houghton  
Johnson, Sam  
Lampson  
Mascara

Pitts  
Roukema  
Sanchez  
Stump  
Tanner

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. THORNBERRY). 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. THORNBERRY). 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."