Skelton

Slaughter

Smith (MI)

October 2,	2002	C
Hoyer	Mica	Scott
Hulshof Hunter	Millender- McDonald	Sensenbrenner Serrano
Hyde	Miller, Dan	Sessions
Inslee Isakson	Miller, Gary	Shadegg
Israel	Miller, George Miller, Jeff	Shaw Shays
Issa	Mollohan	Sherman
Istook Jackson (IL)	Moore Moran (KS)	Sherwood Shimkus
Jackson-Lee	Moran (VA)	Shows
(TX) Jefferson	Morella Murtha	Shuster
Jenkins	Myrick	Simmons Simpson
John	Nadler	Skeen
Johnson (CT) Johnson (IL)	Napolitano Neal	Skelton Slaughter
Johnson, E. B.	Nethercutt	Smith (MI)
Jones (NC) Jones (OH)	Ney Northup	Smith (NJ)
Kanjorski	Norwood	Smith (TX) Smith (WA)
Kaptur Keller	Nussle Oberstar	Snyder
Kelly	Obey	Solis Souder
Kennedy (MN)	Olver	Spratt
Kennedy (RI) Kerns	Ortiz Osborne	Stark
Kildee	Ose	Stearns Stenholm
Kilpatrick Kind (WI)	Otter Owens	Strickland
King (NY)	Oxley	Stupak Sullivan
Kingston	Pallone Pascrell	Sununu
Kirk Kleczka	Pastor	Sweeney
Knollenberg	Paul	Tancredo Tauscher
Kolbe Kucinich	Payne Pelosi	Tauzin
LaFalce	Pence	Taylor (MS) Taylor (NC)
LaHood Langevin	Peterson (MN) Peterson (PA)	Terry
Lantos	Petri	Thomas
Larsen (WA)	Phelps	Thompson (CA) Thompson (MS)
Larson (CT) Latham	Pickering Platts	Thornberry
LaTourette	Pombo	Thune Thurman
Leach Lee	Pomeroy Portman	Tiahrt
Levin	Price (NC)	Tiberi
Lewis (CA) Lewis (GA)	Pryce (OH) Putnam	Tierney Toomey
Lewis (KY)	Quinn	Towns
Linder	Radanovich	Turner Udall (CO)
Lipinski LoBiondo	Ramstad Rangel	Udall (NM)
Lofgren	Regula	Upton
Lowey Lucas (KY)	Rehberg Reyes	Velazquez Visclosky
Lucas (OK)	Reynolds	Vitter
Luther Lynch	Riley Rivers	Walden Walsh
Maloney (CT)	Rodriguez	Wamp
Maloney (NY)	Roemer	Waters
Manzullo Markey	Rogers (KY) Rogers (MI)	Watkins (OK) Watson (CA)
Matheson	Rohrabacher	Watt (NC)
Matsui McCarthy (MO)	Ros-Lehtinen Ross	Watts (OK) Waxman
McCarthy (NY)	Rothman	Weiner
McCollum McCrery	Roybal-Allard Royce	Weldon (FL) Weldon (PA)
McDermott	Rush	Weller
McGovern	Ryan (WI)	Wexler
McHugh McInnis	Ryun (KS) Sabo	Whitfield Wicker
McIntyre	Sanders	Wilson (NM)
McKeon McKinney	Sandlin Sawyer	Wilson (SC) Wolf
McNulty	Saxton	Woolsey
Meehan Meek (FL)	Schaffer Schakowsky	Wu Wynn
Meeks (NY)	Schiff	Young (AK)
Menendez	Schrock	Young (FL)
NOT VOTING—17		
Clayton	Hilleary	Rahall
Cooksey Deal	Houghton Johnson, Sam	Roukema
Ehrlich	Lampson	Sanchez Stump
Hastings (FL)	Mascara Pitts	Tanner
Herger	1 1000	

□ 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 Cox Gutierrez Ackerman Coyne Gutknecht Aderholt Cramer Hall (TX) Akin Crane Hansen Crenshaw Harman Allen Andrews Crowley Hart Hastings (WA) Armey Cubin Baca Cummings Hayes Hayworth Bachus Cunningham Baird Hefley Davis (CA) Baker Davis (FL) Hill Baldacci Davis (IL) Hilliard Baldwin Davis, Jo Ann Hinchey Ballenger Davis, Tom Hinoiosa Barcia DeFazio Hobson Barrett DeGette Hoeffel Bartlett Delahunt Hoekstra Barton DeLauro Holden Becerra DeLay Holt Bentsen DeMint. Honda Bereuter Deutsch Hooley Diaz-Balart Berkley Horn Berman Dicks Hoyer Berry Dingell Hulshof Biggert Doggett Hunter **Bilirakis** Doolev Hvde Doolittle Bishop Inslee Blagojevich Doyle Isakson Blumenauer Dreier Israel Blunt Duncan Issa Boehlert Istook Dunn Edwards Jackson (IL) Boehner Jackson-Lee Bonior Ehlers Bono Emerson (TX) Jefferson Boozman Engel Borski English Jenkins Boswell Eshoo John Johnson (CT) Etheridge Boucher Boyd Evans Johnson (IL) Brady (PA) Johnson, E. B. Jones (NC) Farr Fattah Brady (TX) Brown (FL) Ferguson Jones (OH) Brown (OH) Filner Kaniorski Brown (SC) Fletcher Kaptur Bryant Foley Keller Burr Forbes Kellv Burton Kennedy (MN) Ford Fossella Kennedy (RI) Buyer Callahan Frank Kildee Calvert Frelinghuysen Kilpatrick Camp Frost Kind (WI) Cannon Gallegly King (NY) Cantor Kirk Ganske Kleczka Capito Gekas Gephardt Capps Knollenberg Capuano Gibbons Kolbe Cardin Gilchrest Kucinich Carson (JN) Gillmor LaFalce Carson (OK) Gilman LaHood Gonzalez Castle Langevin Chabot Goodlatte Lantos Larsen (WA) Chambliss Gordon Clay Goss Graham Larson (CT) Clement Latham Clyburn Granger LaTourette Coble Graves Leach Combest Green (TX) Lee Green (WI) Levin Condit Conyers Greenwood Lewis (CA) Lewis (GA) Costello Grucci

Lewis (KY) Pastor Linder Payne Lipinski Pelosi LoBiondo Pence Peterson (MN) Lofgren Lowey Peterson (PA) Lucas (KY) Petri Lucas (OK) Phelps Luther Pickering Lynch Platts Maloney (CT) Pombo Maloney (NY) Pomerov Portman Manzullo Markey Matheson Pryce (OH) Matsui Putnam McCarthy (MO) Quinn McCarthy (NY) Radanovich McCollum Rahall McCrery Ramstad McDermott Rangel McGovern Regula McHugh Rehberg McInnis Reves McIntyre Reynolds McKeon Riley McKinnev Rivers McNulty Rodriguez Meehan Roemer Rogers (KY) Meek (FL) Meeks (NY) Rogers (MI) Menendez Rohrabacher Ros-Lehtinen Mica Millender Ross McDonald Rothman Roybal-Allard Miller, Dan Miller, Gary Royce Miller, George Rush Mollohan Ryan (WI) MooreRyun (KS) Moran (KS) Saho Moran (VA) Sanders Morella Sandlin Murtha Sawver Myrick Saxton Nadler Schaffer Napolitano Schakowsky Neal Schiff Nethercutt Schrock Nev Scott Sensenbrenner Northup Norwood Serrano Nussle Sessions Oberstar Shadege Obey Shaw Olver Shavs Ortiz Osborne Sherwood Shimkus Ose Otter Owens Shuster Oxley Simmons Pallone Simpson Pascrell Skeen

Smith (NJ) Smith (TX) Smith (WA) Snyder Solis Souder Spratt Stark Stearns Stenholm Strickland Stupak Sullivan Sununu Sweenev Tancredo Tauscher Tauzin Taylor (MS) Taylor (NC) Terry Thomas Thompson (CA) Thompson (MS) Thune Thurman Tiahrt Tiberi Tierney Towns Turner Hdall (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 Wvnn Young (AK) Young (FL)

NAYS-14

Barr Flake Miller, Jeff Bonilla. Goode Paul Hostettler Collins Thornberry Culberson Kerns Toomey Everett Kingston

NOT VOTING-

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

$\sqcap 1450$

So the motion to instruct was agreed

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. 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 consid-

ered 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.

\square 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."