

Patricia Ann. He contributed to his community by volunteering countless hours at schools and organizations in the Sarasota area.

Mr. Speaker, for all these reasons, I urge all Members to support passage of H.R. 3068 that will name this post office after Brigadier General John McLain. General McLain will be laid to rest in Arlington National Cemetery on November 5 with full military honors.

Mr. Speaker, I thank the gentlewoman from Florida for her work toward honoring General McLain through this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my colleague, the gentleman from Connecticut (Mr. SHAYS), in support of H.R. 3068, legislation naming a postal facility in Sarasota, Florida, after Brigadier General John H. McLain.

This measure was introduced by the gentlewoman from Florida (Ms. HARRIS) on September 10, 2003. H.R. 3068, which was unanimously approved and reported by the Committee on Government Reform on September 18, 2003, has the support and cosponsorship of the entire Florida congressional delegation.

General McLain served his country bravely for nearly 4 decades, both on active duty and as a Reservist. He enlisted in the United States Army in 1940 and served in World War II and the Korean War. He attained the rank of brigadier general in 1972 and was inducted into the Field Officer Candidate School Hall of Fame in 1976. During his career, he received the Legion of Merit, the Bronze Star Medal, Meritorious Service Medal, and the United Nations Service Medal, among others.

An active member of his community, General McLain passed away last month on September 23, 2003. He left behind a wife, four children, grandchildren, and a great grandchild. General McLain will be buried with full military honors in Arlington National Cemetery on November 5, 2003.

Mr. Speaker, naming a postal facility after the late General John H. McLain continues in our tradition of honoring individuals of great character and service to their community and to their country. I urge swift passage of this bill.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for his help in passage of both these pieces of legislation. I also know the gentlewoman from Florida (Ms. HARRIS) badly wanted to be here for consideration of H.R. 3068. I commend her for her work on this bill.

Mr. Speaker, this legislation honors a devoted American patriot, Brigadier General John H. McLain. I, along with

the gentleman from Illinois (Mr. DAVIS), urge all Members to support its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 3068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

The Clerk read as follows:

H.R. 3288

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TECHNICAL CORRECTIONS RELATING TO THE DEFINITION OF QUALIFYING STATE UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

Effective as if included in the enactment of Public Law 108-74, section 2105(g)(2) of the Social Security Act, as added by section 1(b) of such Act, is amended—

(1) by striking "185" the first place it appears and inserting "184";

(2) by inserting "August 1, 1994, or" before "July 1, 1995"; and

(3) by inserting before the period at the end the following: "; or, in the case of a State that had a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on October 1, 1993, had an income eligibility standard under such waiver for children that was at least 185 percent of the poverty line and on and after July 1, 1998, has an income eligibility standard for children under section 1902(a)(10)(A) or a statewide waiver in effect under section 1115 with respect to title XIX that is at least 185 percent of the poverty line".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3288.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3288 and urge swift passage of

this bipartisan bill. H.R. 3288 corrects technical errors in the recently enacted State Children's Health Insurance Program, S-CHIP, legislation. This important legislation extended the availability of State S-CHIP allotments from prior years to allow States to use this money to continue to provide health care coverage for children. The bill also permitted certain States that had previously covered children with higher incomes through their Medicaid program prior to the creation of S-CHIP to use a small portion of their S-CHIP allotments to pay for the costs associated with covering these children.

Unfortunately, a definition included in the new S-CHIP law inadvertently excluded a number of States. As a result, New Mexico, Maryland, Hawaii, and Rhode Island were barred from being able to use their allotments to pay for the expenses of their kids with higher incomes.

It was always the intent of the sponsors of the S-CHIP legislation that these States would be allowed to use their money in this way. For that reason, my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), introduced H.R. 3288, which amends the definition of eligible States to correct the technical error.

I would urge all Members to unanimously support this bipartisan bill, which would allow these States to use a portion of their S-CHIP allotments to provide health coverage for their low-income children.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3288. First, I also want to thank the gentleman from Louisiana (Chairman TAUZIN) and our ranking member, the gentleman from Michigan (Mr. DINGELL), for working in a spirit of bipartisan cooperation on this issue. Our Committee on Energy and Commerce has repeatedly worked together to deal with issues related to the State Children's Health Insurance Program, or S-CHIP.

□ 1530

As recently as July, we developed a compromise to protect health care coverage for hundreds of thousands of children under the SCHIP program.

The SCHIP program was enacted in 1997 and currently provides health care coverage to approximately 4.3 million children, but there have been some growing pains. The State funding allotment mechanism has not worked perfectly. And, as a result, some States have been left with excess funding and others with too little funding.

In July, we passed legislation that preserved the nearly \$1.2 billion of funding intended for children's health insurance coverage from returning to the Treasury, not for lack of need but

as a result of these problems with the funding allocation.

In addition, the bill passed in July extended, for one additional year, the availability of \$1.5 billion in SCHIP funds from fiscal years' 2000 and 2001 allotments, thereby allowing 50 percent of each year's unspent money to be retained by States that have not used their entire allotment.

The remaining 50 percent of unspent money was distributed to States that have spent all of their respective year's allotment, and New Jersey is one of those states.

Finally, the bill allowed certain States to use a portion of their unspent funds for children covered through Medicaid.

Mr. Speaker, unfortunately there were technical errors in that bill which inadvertently excluded New Mexico, Maryland, Hawaii, and Rhode Island. And as a result these four States were unable to receive their portions of these allotments which assisted them in providing health coverage to the children of their State. Neither the gentleman from Louisiana (Mr. TAUZIN) nor the gentleman from Michigan (Mr. DINGELL) intended this to happen so they introduced H.R. 3288 to correct this technical error.

Again, I want to thank the chairman for his efforts to move this legislation forward to make it possible for these four States to receive their allotment and protect health care for children under SCHIP. I hope that the Senate will act quickly, so that we can get this bill to the President's desk and expedite the flow of needed funding for children's health care.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288.

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. UPTON. 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.

#### RECESS

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

Accordingly (at 3 o'clock and 34 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 (Mr. DUNCAN) at 6 o'clock and 31 minutes p.m.

#### QUESTION OF PRIVILEGES OF THE HOUSE

Mr. McDERMOTT. Mr. Speaker, pursuant to rule IX, I rise to a question of privileges of the House, offer a resolution, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

#### RESOLUTION

Correcting the Record of Tuesday, January 28, 2003.

*Resolved*, That an asterisk be placed in the permanent Record of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

(1) "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

(2) "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production."

(3) "From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves."

(4) "Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda."

The SPEAKER pro tempore. The Chair will hear argument on the question of whether the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Washington (Mr. McDERMOTT) is recognized.

Mr. McDERMOTT. Mr. Speaker, on Thursday, October 16, I gave notice of my intention to raise a question of privileges of the House.

Mr. Speaker, the first definition of rule IX(1) is "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." Rule IX is designed to give Members of the House the means to protect the dignity and integrity of this body, and that is what my resolution seeks to do.

I believe that our rights, our dignity, and our integrity are affected and are harmed when inaccurate statements are made in our Chamber and recorded in our official proceedings without note being taken that they are inaccurate. I believe that the integrity of the CONGRESSIONAL RECORD is harmed and the dignity of the body issuing the RECORD is harmed.

I am aware that it is conceivable that Members of this body may, at least in theory, at times make statements on the floor that might be

shown to be inaccurate. When this occurs, however, other Members have the opportunity and the responsibility to engage in debate to identify the offending statements. Readers of the CONGRESSIONAL RECORD, citizens, future historians, have the opportunity to learn from our debate what is and is not accurate.

When the four statements I have identified were made in this Chamber on January 28, there was no such opportunity to engage the person making these statements in debate in order to identify the statements as inaccurate as there is normally in the House. Unless we act today, when future historians go back to examine our proceedings, they will find these four statements presented in the RECORD unchallenged.

Normally, dubious statements in the RECORD are not unchallenged. Normally, we collectively take responsibility for the accuracy of the statements made in the RECORD through our debate and discussion. The statements of January 28 were made outside the normal process Congress uses to identify inaccurate statements. Therefore, the only opportunity Congress has to protect the integrity of its proceedings is to identify in the RECORD the statements that are inaccurate.

I believe that the integrity of our proceedings, as protected under rule IX, requires the House to consider my resolution. To fail to consider this resolution would leave the implication that these statements were of no consequence, or that this body did not care to identify them as inaccurate. I do not think we can afford to leave that impression in a journal that will be examined in the future as a basis for writing the history of our entrance into the war.

Mr. Speaker, for that reason, I ask that we consider this resolution at this time.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution alleges certain inaccuracies in the address of the President of the United States before a joint session of the two Houses earlier in this Congress and resolves that those precise statements be footnoted by asterisks in the permanent CONGRESSIONAL RECORD.

The Chair has examined precedents permitting questions of the privileges of the House to address the accuracy and propriety of the CONGRESSIONAL RECORD. In each of these occasions where questions of privilege have been permitted, it was alleged that a Member had been proceeding out of order, that remarks were improperly transcribed, or that unauthorized matter was inserted in the RECORD.

On several occasions, the Chair ruled that where remarks that were made in order were printed in the RECORD, collateral challenges under the guise of questions of privilege were not in order. (See *Hinds V*, 6974; Cannon's