

Hoyer
Hulshof
Hunter
Hyde
Inseele
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.

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
Armedy
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brady (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
Miller, Jeff
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)
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
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell

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

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. THORNBERY). 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. THORNBERY). 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."