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No. 115

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 12, 2002.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
Speaker of the House of Representatives.

### PRAYER

The Most Reverend John R. Gaydos, Bishop of Jefferson City, Missouri, offered the following prayer:

From the eighteenth psalm of King David we read: "The breakers of death surged round about me; the menacing floods terrified me. The cords of Sheol tightened; the snares of death lay in wait for me. In my distress I called out: Lord! I cried out to my God. From his temple he heard my voice; my cry to him reached his ears."

Almighty God, the first anniversary has passed. The sorrow abides in our hearts, but it does not dwell there alone. Gratitude abides there, too. We are sorry for the lives lost and the suffering of those who survive. We are grateful for the renewed solidarity and spirit of generosity that has been enkindled across this great country. As we continue the binding up, we experience the power of Your providential care. Make each of us, this day, instruments of Your light and strength for our blessed Nation. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute at this time.

### WELCOME TO BISHOP JOHN RAYMOND GAYDOS

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, it is my pleasure to welcome our guest chaplain, the Most Reverend John Raymond Gaydos, bishop of Jefferson City, Missouri. Knowing of his higher calling since he was a young man, Bishop Gaydos has dedicated his life to serving his church and his community.

Born in St. Louis, Missouri, he attended the St. Agnes School of St. Louis, which is the St. Louis Preparatory Seminary; cardinal Glennon College of St. Louis; and the Pontifical Gregorian University in Rome, Italy. Bishop Gaydos was ordained on December 20, 1968 at St. Peter's Basilica in Vatican City.

Bishop Gaydos has been a pastor at several parishes in the St. Louis area, in addition to being secretary to the archbishop and vicar general of the St. Louis archdiocese. He was appointed bishop of Jefferson City, Missouri, in 1997, where he presently serves. He is well known for his leadership within the Church, serving as chairman and member of various archdiocese and national committees.

I welcome Bishop Gaydos to the House of Representatives and thank him for his opening prayer this morning.

### MOTION TO GO TO CONFERENCE ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

Mr. HYDE. Mr. Speaker, in accordance with rule XXII of the rules of the House, and by direction of the Committee on International Relations, I move to take from the Speaker's table the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on the motion to go to conference will be followed by a 5-minute vote on the Journal.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 50, as follows:

[Roll No. 385]

YEAS—382

Abercrombie	Delahunt	Hulshof
Aderholt	DeLauro	Hunter
Akin	DeLay	Hyde
Allen	DeMint	Inslee
Andrews	Deutsch	Isakson
Baca	Diaz-Balart	Israel
Bachus	Dingell	Istook
Baird	Doggett	Jackson (IL)
Baker	Dooley	Jackson-Lee
Baldacci	Doolittle	(TX)
Baldwin	Doyle	Jefferson
Balenger	Dreier	Jenkins
Barcia	Duncan	John
Bartlett	Dunn	Johnson (CT)
Barton	Edwards	Johnson (IL)
Bass	Ehlers	Johnson, E. B.
Becerra	Emerson	Johnson, Sam
Bentsen	Engel	Jones (NC)
Berkley	English	Jones (OH)
Berry	Eshoo	Kanjorski
Biggert	Etheridge	Kaptur
Bilirakis	Evans	Keller
Bishop	Everett	Kelly
Blagojevich	Farr	Kennedy (MN)
Blumenauer	Ferguson	Kerns
Blunt	Filner	Kildee
Boehrlert	Flake	Kilpatrick
Boehner	Fletcher	Kind (WI)
Bonior	Foley	King (NY)
Bono	Forbes	Kingston
Boozman	Fossella	Klecza
Borski	Frank	Knollenberg
Boswell	Frelinghuysen	Kolbe
Boucher	Frost	Kucinich
Boyd	Ganske	LaFalce
Brady (PA)	Gekas	LaHood
Brady (TX)	Gephardt	Lampson
Brown (OH)	Gibbons	Langevin
Brown (SC)	Gilchrest	Lantos
Bryant	Gillmor	Larsen (WA)
Burr	Goode	Larson (CT)
Burton	Goodlatte	Latham
Buyer	Gordon	LaTourrette
Callahan	Goss	Leach
Calvert	Graham	Lee
Camp	Granger	Levin
Cannon	Graves	Lewis (CA)
Cantor	Green (TX)	Lewis (GA)
Capito	Green (WI)	Lewis (KY)
Capps	Greenwood	Linder
Cardin	Grucci	Lipinski
Carson (IN)	Gutierrez	LoBiondo
Carson (OK)	Gutknecht	Lofgren
Castle	Hall (TX)	Lowe
Chabot	Hansen	Lucas (KY)
Chambliss	Harman	Lucas (OK)
Clayton	Hart	Luther
Clyburn	Hastings (FL)	Lynch
Coble	Hayes	Maloney (CT)
Collins	Hayworth	Maloney (NY)
Costello	Hefley	Manzullo
Cox	Herger	Markey
Coyne	Hill	Mascara
Crenshaw	Hilliard	Matheson
Crowley	Hinchee	Matsui
Cubin	Hinojosa	McCarthy (MO)
Culberson	Hobson	McCarthy (NY)
Cummings	Hoefel	McCollum
Cunningham	Hoekstra	McCrery
Davis (CA)	Holden	McDermott
Davis (FL)	Holt	McGovern
Davis (IL)	Honda	McInnis
Davis, Jo Ann	Hooley	McIntyre
Davis, Tom	Horn	McKeon
Deal	Hostettler	McKinney
DeFazio	Houghton	McNulty
DeGette	Hoyer	Meehan

Meeks (NY)	Regula	Stark
Menendez	Rehberg	Stearns
Mica	Reyes	Stenholm
Millender-McDonald	Reynolds	Strickland
Miller, Dan	Riley	Sullivan
Miller, Jeff	Rivers	Sweeney
Mollohan	Rodriguez	Tancredo
Moore	Roemer	Tanner
Moran (KS)	Rogers (KY)	Tauscher
Moran (VA)	Rogers (MI)	Tauzin
Morella	Rohrabacher	Taylor (MS)
Murtha	Ros-Lehtinen	Taylor (NC)
Nadler	Ross	Terry
Napolitano	Rothman	Thomas
Nethercutt	Roybal-Allard	Thompson (CA)
Ney	Royce	Thompson (MS)
Northup	Rush	Thornberry
Norwood	Ryun (KS)	Thune
Nussle	Sabo	Thurman
Oberstar	Sanchez	Tiahrt
Obey	Sanders	Tiberi
Oliver	Sandlin	Tierney
Ortiz	Sawyer	Toomey
Osborne	Saxton	Turner
Ose	Schaffer	Udall (CO)
Otter	Schiff	Udall (NM)
Owens	Schakowsky	Upton
Oxley	Schrock	Visclosky
Pallone	Scott	Walden
Pascarella	Sensenbrenner	Walsh
Pastor	Serrano	Wamp
Paul	Sessions	Waters
Payne	Shadegg	Watkins (OK)
Pelosi	Shaw	Watt (NC)
Pence	Shays	Watts (OK)
Peterson (MN)	Sherman	Waxman
Peterson (PA)	Sherwood	Weiner
Petri	Shimkus	Weldon (FL)
Phelps	Shows	Weldon (PA)
Pickering	Shuster	Weller
Pitts	Simmons	Whitfield
Platts	Simpson	Wicker
Pombo	Skeen	Wilson (NM)
Pomeroy	Skelton	Wilson (SC)
Price (NC)	Slaughter	Wolf
Pryce (OH)	Smith (NJ)	Woolsey
Putnam	Smith (TX)	Wu
Quinn	Smith (WA)	Wynn
Radanovich	Snyder	Young (AK)
Rangel	Solis	Young (FL)
	Spratt	

NOT VOTING—50

Ackerman	Dicks	Myrick
Army	Ehrlich	Neal
Barr	Fattah	Portman
Barrett	Ford	Rahall
Bereuter	Gallegly	Ramstad
Berman	Gilman	Roukema
Bonilla	Gonzalez	Ryan (WI)
Brown (FL)	Hastings (WA)	Smith (MI)
Capuano	Hilleary	Souder
Issa	Issa	Stump
Clement	Kennedy (RI)	Stupak
Combest	Kirk	Sununu
Condit	McHugh	Towns
Conyers	Meek (FL)	Velazquez
Cooksey	Miller, Gary	Watson (CA)
Cramer	Miller, George	Wexler
Crane	Mink	

□ 1032

Mr. TANCREDO changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FORD. Mr. Speaker, with regard to rollcall vote 385 on the motion to go to conference on H.R. 1646, the State Department authorization, I missed that vote en route back to the Capitol. Had I been present, I would have voted “yea.”

Mr. STUPAK. Mr. Speaker, This morning, September 12, my plane back to Washington was delayed and I missed rollcall vote number 385 on the motion to go to conference on the State Department authorization, H.R.

1646. On this vote I would have voted “yea”.

### THE JOURNAL

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of South Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 342, noes 42, answered “present” 1, not voting 47, as follows:

[Roll No. 386]

AYES—342

Abercrombie	Cummings	Hayes
Akin	Cunningham	Hayworth
Allen	Davis (CA)	Herger
Andrews	Davis (FL)	Hill
Armey	Davis (IL)	Hinojosa
Baca	Davis, Jo Ann	Hobson
Baird	Davis, Tom	Hoefel
Baker	Deal	Hoekstra
Baldacci	DeGette	Holden
Balenger	Delahunt	Holt
Barcia	DeLauro	Honda
Bartlett	DeLay	Horn
Barton	DeMint	Hostettler
Bass	Deutsch	Houghton
Becerra	Diaz-Balart	Hoyer
Bentsen	Dicks	Hulshof
Berkley	Dingell	Hunter
Berry	Doggett	Hyde
Biggert	Dooley	Inslee
Bilirakis	Doolittle	Isakson
Bishop	Doyle	Israel
Blagojevich	Dreier	Istook
Blumenauer	Duncan	Jackson (IL)
Blunt	Dunn	Jackson-Lee
Boehrlert	Edwards	(TX)
Boehner	Ehlers	Jefferson
Bonior	Emerson	Jenkins
Bono	Engel	John
Boozman	Eshoo	Johnson (CT)
Boswell	Etheridge	Johnson (IL)
Boucher	Evans	Johnson, E. B.
Boyd	Everett	Johnson, Sam
Brady (TX)	Farr	Jones (NC)
Brown (OH)	Fattah	Jones (OH)
Brown (SC)	Ferguson	Kanjorski
Bryant	Flake	Kaptur
Burton	Fletcher	Keller
Buyer	Foley	Kelly
Callahan	Forbes	Kerns
Calvert	Ford	Kildee
Camp	Fossella	Kilpatrick
Cannon	Frank	Kind (WI)
Cantor	Frelinghuysen	King (NY)
Capito	Frost	Kingston
Capps	Ganske	Klecza
Cardin	Gekas	Knollenberg
Carson (IN)	Gibbons	Kolbe
Carson (OK)	Gilchrest	LaFalce
Castle	Goode	LaHood
Chabot	Goodlatte	Lampson
Chambliss	Gordon	Langevin
Clayton	Goss	Lantos
Clyburn	Graham	Larson (CT)
Coble	Granger	LaTourrette
Collins	Graves	Leach
Condit	Green (WI)	Lee
Cox	Greenwood	Levin
Coyne	Grucci	Lewis (CA)
Crenshaw	Gutierrez	Lewis (GA)
Crowley	Gutknecht	Lewis (KY)
Cubin	Hall (TX)	Linder
Culberson	Hansen	Lipinski
	Harman	Lofgren

Lowey	Payne	Shows
Lucas (KY)	Pence	Shuster
Lucas (OK)	Peterson (PA)	Simmons
Luther	Petri	Simpson
Lynch	Phelps	Skeen
Maloney (CT)	Pickering	Skelton
Maloney (NY)	Pitts	Smith (MI)
Manzullo	Platts	Smith (NJ)
Markey	Pombo	Smith (TX)
Mascara	Pomeroy	Smith (WA)
Matheson	Portman	Solis
Matsui	Price (NC)	Spratt
McCarthy (MO)	Pryce (OH)	Stark
McCarthy (NY)	Putnam	Stearns
McCollum	Quinn	Stenholm
McCrery	Radanovich	Sullivan
McGovern	Rangel	Tanner
McInnis	Regula	Tauscher
McIntyre	Rehberg	Tauzin
McKeon	Reyes	Taylor (NC)
McKinney	Reynolds	Terry
McNulty	Riley	Thomas
Meehan	Rivers	Thornberry
Meeks (NY)	Rodriguez	Thune
Menendez	Roemer	Thurman
Mica	Rogers (KY)	Tiahrt
Millender-	Rogers (MI)	Tiberi
McDonald	Rohrabacher	Tierney
Miller, Dan	Ros-Lehtinen	Toomey
Miller, Jeff	Ross	Turner
Mollohan	Rothman	Upton
Moran (KS)	Roybal-Allard	Vitter
Moran (VA)	Royce	Walden
Morella	Rush	Walsh
Murtha	Ryun (KS)	Wamp
Nadler	Sanchez	Watkins (OK)
Napolitano	Sanders	Watt (NC)
Nethercutt	Sandlin	Watts (OK)
Ney	Sawyer	Waxman
Northup	Saxton	Weiner
Norwood	Schakowsky	Weldon (FL)
Nussle	Schiff	Weldon (PA)
Obey	Schrock	Wexler
Ortiz	Scott	Whitfield
Osborne	Sensenbrenner	Wilson (NM)
Ose	Sessions	Wilson (SC)
Otter	Shadegg	Wolf
Owens	Shaw	Woolsey
Pallone	Shays	Wynn
Pascrell	Sherman	Young (AK)
Pastor	Sherwood	Young (FL)
Paul	Shimkus	

NOES—42

Aderholt	Hilliard	Slaughter
Bachus	Hinchee	Strickland
Baldwin	Kennedy (MN)	Stupak
Borski	Kucinich	Sweeney
Brady (PA)	Larsen (WA)	Taylor (MS)
Costello	Latham	Thompson (CA)
DeFazio	LoBiondo	Thompson (MS)
English	McDermott	Udall (CO)
Filner	Moore	Udall (NM)
Gillmor	Oberstar	Visclosky
Green (TX)	Olver	Waters
Hart	Peterson (MN)	Weller
Hastings (FL)	Sabo	Wicker
Hefley	Schaffer	Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—47

Ackerman	Gallegly	Neal
Barr	Gephardt	Oxley
Barrett	Gilman	Pelosi
Bereuter	Gonzalez	Rahall
Berman	Hastings (WA)	Ramstad
Bonilla	Hilleary	Roukema
Brown (FL)	Hooley	Ryan (WI)
Capuano	Issa	Serrano
Clay	Kennedy (RI)	Snyder
Clement	Kirk	Souder
Combest	McHugh	Stump
Conyers	Meek (FL)	Sununu
Cooksey	Miller, Gary	Towns
Cramer	Miller, George	Velazquez
Crane	Mink	Watson (CA)
Ehrlich	Myrick	

□ 1045

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on September 12, 2002, official business in Washington, D.C., caused this Member to unavoidably miss two rollcall votes. On rollcall No. 385 (motion to go to conference on H.R. 1646, the State Department Authorization bill), this Member would have voted "yea." On rollcall No. 386 (approving the Journal), this Member would have voted "yea."

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, on September 11 I was in my district taking part in September 11 ceremonies and remembrances and I missed rollcall vote number 384. Had I been present, I would have voted an emphatic "yea" on this vote expressing the sense of Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

APPOINTMENT OF CONFEREES ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore (Mr. TERRY). Without objection, the Chair appoints the following conferees:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of New Jersey, LANTOS and BERMAN and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5193, BACK TO SCHOOL TAX RELIEF ACT OF 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 521 is a standard closed rule providing for the consideration of H.R. 5193, the Back to School Tax Relief Act of 2002. The rule waives all points of order against consideration of the bill and provides one motion to recommit, with or without instructions.

Mr. Speaker, one of the great successes of this Congress and this administration was the enactment of the No Child Left Behind Act, legislation to extend and amend the Elementary and Secondary Education Act.

Containing some of the most sweeping education reforms in decades, the act incorporates four key principles: Stronger accountability to ensure results; increased flexibility and local control that sends dollars and decisions directly to the classroom; expanded options for parents; and an emphasis on teaching methods that have been proven to work. It is one of these principles, expanded options for parents, that brings us here today.

The Back to School Tax Relief Act of 2002 will give parents the opportunity to take advantage of the Tax Code and take control over financing their child's education. According to the National Center for Education Statistics, student enrollment at public and private elementary and secondary schools peaked to a record level of 53.2 million in the fall of 2000, a 14 percent increase since 1990. In my home State of New York, enrollment in grades K through 12 increased more than 4 percent from 1994 to 2000, and in many parts of the country, enrollments are expected to continue increasing through at least 2005.

As more and more students hit the books, more and more parents are straining the family finances trying to make ends meet as they put their kids through school. Under present law, above-the-line deductions are allowed for qualified tuition and related expenses for higher education only. The legislation before us today simply extends that deduction of up to \$3,000 to qualified elementary and secondary education expenses paid in connection with eligible K through 12 students. This includes expenses at public, private, religious or home schools.

Not every school district is the same nor is every family. By incorporating this tax deduction we can provide parents the flexibility to tailor their education expenses to best suit the needs of their families and their children.

Quality education should be available and affordable to all parents.

Mr. Speaker, I commend my colleagues on the Committee on Ways and Means, especially the gentleman from California (Chairman THOMAS), for advancing this legislation through committee and bringing it to the House floor. With our children now back in school, there is no better time for this body to consider and pass legislation that will help families offset the cost of education.

Mr. Speaker, I strongly urge my colleagues to support this rule and the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from New York for yielding me the customary 30 minutes.

Mr. Speaker, anyone who plays popular sheet music knows that at the beginning of a piece there is always a place called "vamp until ready" where the pianist literally kills time until we are ready for the main act when the singer comes on. I think this bill comes into the category of vamp until ready.

Obviously, we all understand, those of us who serve in Congress and all of the wonderful staff here, that we need the appropriations bills on the floor of the House to be passed by October 1 to keep the government running. I am beginning to think we are not going to do that this year and expect we will probably come up with a giant continuing resolution.

But this is certainly a vamp until ready bill, and I certainly rise in opposition to it, because, in addition to everything else, it has a closed rule. The underlying bill is part of a continuing wave of election year gimmicks that the majority knows will never be signed into law.

At a time when the body is woefully behind in the most basic task of passing bills funding the Nation's priorities, we should be using our time more constructively; but, instead, we are considering a resolution that shuts out consideration of a meaningful bipartisan substitute that would improve school facilities across the country.

It does not have to be this way, Mr. Speaker. Surely expanding educational opportunities for our children would be an issue where this Congress could set aside its differences and work together. Education remains at the top of everyone's priority list, for rich and poor, Democrat and Republican, and any other category of persons. Instead, we have before us today a purely partisan bill, a bill that the minority leadership on the Committee on Ways and Means dubbed an embarrassment, and not a single member of the majority of the Committee on Ways and Means defended the substance of this bill when

the gentleman from New York (Mr. RANGEL) and others raised concerns about its uncertain and likely overly broad definition of eligible expenses.

This measure will not improve the education of a single child, because it is designed to make a political point and not to become law. The problems with the bill are numerous.

First, the legislation is the first step towards shifting funds away from public schools and into private and religious schools. This comes at a time when States are reeling from lost revenue and being forced to cut everything from teachers' salaries to laying off firefighters and policemen. We do not need to utilize the limited time of this body before adjournment debating another scheme to get the Federal Government to pay for private school tuition.

Ninety percent of our children are in public schools, and those schools need our help drastically, now more than ever. I would also note that the \$20,000 limit for singles and \$40,000 limit for couples will not be enough to take advantage of the tax deduction, which is not refundable. Therefore, we are giving them absolutely nothing.

Several months ago you recall we passed the No Child Left Behind Act that reauthorized the elementary and secondary education programs, and the congressional leadership and the President pointed with pride to the enhanced levels of education spending that were authorized in the legislation, and it was a fine bipartisan bill. But now the administration and leadership have allocated funds for that program for the next fiscal year, and they are \$7 billion short. In other words, Mr. Speaker, many children will be left behind. And while they are supporting this bill, which is estimated to cost \$5 billion, it seems to me that it would have been much better to have put this money into leaving no child behind. The substitute that the Democrats were attempting to offer would go a long way toward addressing the reversal.

Mr. Speaker, we cannot expect our children to learn and our teachers to teach unless they are provided with safe and modern school buildings. Forcing students to go to school in trailers or dilapidated school buildings is a clear message to them that they do not matter, and surely we can do better.

Currently our public school system has extraordinary unmet needs for funds to construct and modernize our schools. The new estimates based on data collected by the State departments of education indicate that more than \$300 billion will be needed to repair or replace existing public school facilities. That \$300 billion cannot be met without significant commitment of funds from all levels of government, including the Federal Government.

The substitute we had hoped to have made in order would provide a meaningful down payment for school construction and modernization. In my

home State of New York, it would have meant an infusion of close to \$2.5 billion, incredibly needed money for school construction and rehabilitation.

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

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

Mr. Speaker, listening to my colleague's remarks, I just must say in our research of the bill that 90 percent of the families that would benefit have children in public schools, and \$3 out of every \$4 of the tax benefits would be spent on public school education.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

□ 1100

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and of the underlying legislation.

We marked the tragic first anniversary of September 11 yesterday; and I think, as we focus on our priorities, clearly national security, winning the war on terrorism, dealing with the threats that exist from tyrants around the world is our number one priority.

But it is important to note the very key distinction that exists between those evil-doers, as the President calls them, and those here in the United States. It is clear that before September 11 of last year, education was our top priority. It was the issue that both Al Gore and George Bush agreed on in the election; not exactly how to do it, but they all agreed.

As my friend, the gentleman from Rochester, New York (Mr. REYNOLDS), has just said so well, Democrats and Republicans, rich and poor, all agree that it is very important for us to focus on the importance of education. That is why this House, in a bipartisan way, did pass the No Child Left Behind Act. It saw broad bipartisan support, and President Bush was able to sign it.

In the tax measure, we were able to focus attention on that very important group of Americans who have to deal with the challenge of paying for higher education. So what is it that we did? We were able to provide tax incentives for people to deal with the horrendous costs that exist today for higher education. So now we have moved ahead with legislation to deal with those at the lower end of the economic spectrum, those who are trying to focus on the very important primary and secondary education challenges that we have.

Now, it has been labeled "nothing but politics," and it cannot be signed into law. I will tell the Members, we can look at a wide range of legislation that began in this House with Members saying it would not become public law that in fact did become public law, I think all the way back to welfare reform measures in the middle part of the last decade.

I look at this tax measure that dealt with the issue of providing incentives for people to move with higher education costs. That measure, as Members will recall, we tried to move it. People said it would never be signed into law; but, in fact, as we repeatedly have proceeded with measures from this House, we have been able to see them become public law.

Similarly, this Republican majority is saying to those who are at the lower end of the economic spectrum, we want to make sure that they can get into that first rung of the ladder. We know that \$3,000 would go a long way towards dealing with the challenge of making sure that books are available; and tuition, any tuition costs for those on the private side, although, as my friend, the gentleman from New York, has just said, 90 percent of those benefiting from this are in public schools; dealing with the issue of transportation; dealing with computer technology.

These are the kinds of costs that families face today, and we believe that single parents earning less than \$20,000, married couples with incomes of \$40,000 or less, they should be able to specifically benefit from this package. It is a program that is focused on ensuring that those who are not in the upper income brackets have an equal opportunity to get the best quality education possible.

That is why this is a very good piece of legislation. I commend my colleagues on the Committee on Ways and Means for proceeding with this. I believe that it is specifically geared towards that. That is why we should keep it on that issue, so we should vote against a motion to recommit that my colleagues want to move on the other side of the aisle, want to move on that, which does not even relate to this issue of providing incentives for those who are seeking opportunities to improve their education.

Mr. Speaker, I encourage an "aye" vote for this rule and an "aye" vote for the very important underlying legislation, and opposition to any measure which would jeopardize the potential success of it.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MATSUI), a valued member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me the 4 minutes.

Mr. Speaker, I have to say that there are so many reasons why we should vote "no" on this rule that it is really hard in the period of 4 minutes to really compress it, but I am going to do the very best I can.

First of all, this will cost \$5 billion over the next 3 years. The reason it is only for the next 3 years is because it expires at the end of 3 years. As we know, we have not got any of the appropriations bills to the President's desk, even though the fiscal year will end in about 3 weeks.

The reason for it is because, rightfully, the appropriators are having a very difficult time trying to come up with bills that would stay within at least some reasonable budget confines. That is because the tax bill that was passed last year, which incidentally was about \$1.4 trillion, and 40 percent of it goes to the top 1 percent of the taxpayers, which basically makes about \$1.1 billion a year on their tax returns; but the fact of the matter is that here we are now passing a bill that will cost \$5 billion over the next 3 years, and we cannot move appropriation bills. That is somewhat odd, obviously.

But more importantly, this \$5 billion will invade the Social Security trust fund. As we are getting close to the election on November 5, I think the American public is entitled to know who really cares about Social Security, making it ensured as a defined benefit plan. Obviously, by passing this bill, we are going to make that much more difficult. Senior citizens of America and those people who are concerned about being disabled or, obviously, survivors' benefits, should be very concerned about what we are doing on this particular piece of legislation.

But most importantly, this is bad legislation. No one gave it a lot of thought. We did not have a hearing on it. What is interesting is that one can get up to \$3,000 a year on a tax credit, tax deduction, if one is an elementary or grammar school parent; so they go out and buy a flat screen television and say, we use this for our children's education, because we can put it up to a computer. A flat screen TV costs about \$4,000; take \$3,000 and use it for a deduction. We know they are going to do that. We know this is not really going to go for education. They can even purchase a car if they say they need a car in order to take the child to school in the morning, up to \$3,000, of course.

This tax bill is ridiculous. It makes no sense at all. It is only a political document. In fact, we know the Senate is going to take it up because they have been stopping all this bad legislation we have been moving out of the House.

Obviously, I think, the Chair and the leadership is probably very happy about that. In fact, when I asked the gentleman from California (Mr. THOMAS) and I said, how are you going to make this fit within the budget, he said, it does not make any difference until the President signs it. Everyone on their side of the aisle chuckled because they know it is not going to become law.

We should also vote against this because there is one very important piece of legislation that should pass this year, in spite of the fact that we have Social Security problems, and others. That is school construction. We estimated that it would cost \$127 billion over the next decade, \$127 billion over the next decade just to repair and modernize the public schools throughout the United States. \$127 billion.

The gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means, and the gentleman from New York (Mr. RANGEL), the ranking Democrat, over the years have put together a piece of legislation that would cost over the next 35 years \$25 billion. That bill would go at least as a downpayment for school construction for all the public schools in America. This would be a great start.

I have a public school that I went to when I was in high school, C.K. McClatchy. I go there all the time. The roof is leaking. They cannot do anything about it. We need to pass a bill that makes sense, not bills for flat screen TVs or for automobiles. We need a bill that undoubtedly will help America's schoolchildren.

I would suggest a "no" vote on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), my colleague on the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I do not understand the opposition to this legislation. I am trying to figure it out, but I do not understand it, because education is supposed to be a top issue for everybody, important for everybody. So a bill that says that if a family makes less than \$40,000 a year they get a tax deduction of up to \$3,000 for education expenses, it would seem to me that if education is an important issue, this is a bill that should be important to them.

We just heard the dear friend who spoke before say that one could even get a car paid for with this tax deduction. I am not sure about that because the school has to certify first that it is education-related, the cost, before they can get a tax deduction.

But let us say a family does have a situation where they do not have transportation, let us say, because in that school district, for whatever reason, there is no transportation. I do not think there is a situation like that; I do not think that a school is going to certify a car. But if there would be a need for that family to have transportation and that \$3,000 tax deduction to solve that transportation problem, I think it is a worthy thing to do, like I also think it would be worthy to help a family with academic tutoring or books or uniforms or supplies, which clearly would be said by the school to be education related. That is what we are talking about here. We are talking about families who make \$40,000 or less, helping them out with their needs.

Other things should be done as well on education. Sign us up, of course. By the way, we got together in a bipartisan fashion, which is the way in which we should work, and the way I thought we would work with this legislation, as well, when we are talking about education. We passed the legislation that was proposed initially by the President. It was modified here.

So I would ask my colleagues to realize that we are talking about education

and we are talking about families who make less than \$40,000, and to at least move the process forward, so hopefully, and whether or not the Senate acts, I do not know if the Senate is going to act, but I know education is important.

So I would say, let us move forward and let us improve upon the legislation if necessary, instead of minimizing it like we are hearing with the opposition.

This is a good bill. I commend the gentleman from California (Mr. THOMAS) for it.

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

I think we do realize that \$40,000 is the limit on that. What we are saying is that is not an income that one would be paying taxes on and would allow them to get this refund.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague on the Committee on Rules for yielding time to me. I was hoping the gentleman from Florida (Mr. DIAZ-BALART) would stay so I could help to educate my good friend, the gentleman from Florida. Perhaps he will hear it back in his office.

He began his remarks by indicating he does not understand. What part of, if you have no tax liability, this bill provides no relief, does the gentleman not understand, I say to the gentleman, or any of the other Members that rise in support of this measure?

I am in opposition to the closed rule for the so-called Back to School Tax Relief Act. As soon as I hear that the teachers in my district, along with teachers and parents throughout the country, are voicing strong opposition to an education bill, that bill gets my full attention.

The teachers of America have good reason, as do parents, to be wary of this particular measure. Under the pretense of offering tax benefits to low-income families, this charade, I repeat, charade, and footnote right there, this is not going to become the law this year, and if it is, that my colleagues on the other side are setting the stage for something that is going to pass at some point in the future, then say that; but do not give the impression here on this floor that this measure is about to become the law. It is not going anywhere.

As matters go, this tax relief bill could cost the American taxpayer close to \$5 billion over the next 5 years. That said, what happens when we take that out of the Federal Treasury is there is no additional money for States and localities, so some of the same parents and some of the other parents who have no relief here at all are going to wind up paying more real estate taxes.

To add insult to injury, the actual educational benefits are negligible, and the actual number of families who might benefit is amazingly small. This

bill will allow two-parent families with incomes of \$40,000 or less and one-parent families with incomes of \$20,000 or less, almost all of whom have no tax liability, to claim deductions for educational expenses in public, private, religious, or home schools.

The fact is that most families in this tax bracket clearly do not have a tax liability and would not benefit from this bill. I know that supporters of this bill claim that it provides educational tax benefits to all low-income families. The truth is that this bill would provide educational tax benefits to a few families in America who choose to send their children to private school. Make no mistake, this bill allows tuition deductions; and it is little more than a private school voucher bill. They can put a diamond tiara and a ball gown on an elephant; but when all is said and done, it is still an elephant.

The gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from California (Mr. MATSUI) pointed to a measure that would help these parents. That is the measure offered by the gentlewoman from Connecticut (Mrs. JOHNSON) and the ranking member, the gentleman from New York (Mr. RANGEL), that would add to renovation and modification and new school construction.

If that is not something that is important, I do not know what is. I urge my colleagues to reject this rule.

□ 1115

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

Mr. Speaker, I would just point out as I am managing this rule that the discussion is on tax deductions, and my understanding, looking at Committee on Ways and Means, is that even the parliamentarian ruled that the school construction portion was not germane to the legislation that was brought forth out of the Committee on Ways and Means and to the Committee on Rules.

So while there may be great merit on school construction, and some of my colleagues here are saying that we cannot afford and should not do the tax deductions and yet have advocated school construction, there ought to be another place and time in the Committee on Ways and Means or some other vehicle in the body to bring forth the discussion on school construction.

This legislation before us is a rule bringing forth consideration by the entire body of the legislation introduced by the gentleman from Colorado (Mr. SCHAFFER) which deals with a tax deduction for K through 12.

Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. SCHAFFER), the sponsor of the legislation.

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman yielding me time.

Mr. Speaker, this rule is important. It is important because by its passage it will bring the underlying legislation

to the floor. This is a bill that is about rich versus poor. And it is surprising to me to hear the opponents of the rule and the bill speak so viciously against the poor in America because that is what they are doing. See, if one is wealthy in America today, one gets a deduction for every donation made to a school whether it is public or private. But if one is poor, one does not get that deduction. Since most poor people do not itemize, they do not take the deduction.

This is an above-the-line deduction that we are proposing in the legislation which means poor families, those earning \$20,000 or less on an individual return, 40,000 for a joint return, would receive a deduction on money they spend on education of their children which is a benefit they do not get today. It is a benefit that will amount to about \$475 for a family in America. It is a benefit they do not have today. And the cost of educating their children is not a cost that is borne exclusively by government. It is a cost that is borne by families as well when they buy uniforms, when they buy band equipment, when they buy computers, books, school supplies, transportation; and, yes, for maybe 10 percent of those who are part of the beneficiaries of this bill, maybe tuition, maybe, at a private school.

Ninety percent of the benefit of this bill will result in more money being available for public schools, not private. And this is a benefit that occurs to poor families with children in schools and these families want to invest more money in their child's education. Those who say that \$5 billion is too much to spend on the poor children of America, I say shame on you. We are going to squander more than that on every agency, department we can name, A, B, C, D departments down the street here.

But all we are talking about doing here is setting aside about \$5 billion over 10 years so that poor families can afford to spend more money on their child's education, not on bridges, not on post offices in all our districts, not on new university projects, not on water projects, not on dams, not on agriculture research, but on education. I believe it is important. I believe it is one of our highest priorities, and I regret that there are people here who cannot agree with that. In fact, we agreed when we passed the budget because we built this fund, we built the \$5 billion right into our own budget. And we have accommodated the spending that we are contemplating here. Let us just do it. Let us pass the resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule as well as to the underlying bill. When we first listened to the bill and we listened to the gentleman who just spoke, this bill sounds appealing. It is aimed at the working

class whom he calls the poor. It is designed to help them afford education, and we would think on first blush that that is good idea. But on closer examination what we find is this bill is really a very bad idea.

First of all, it is fiscally irresponsible. They do not want to talk about that, but the fact is for the same duration of this bill we will also be experiencing tremendous deficits in this country and this bill will only make that situation worse.

Second, we find this bill is very disingenuous. They tell us they are trying to help the working class poor, but in fact most of those people will not be eligible because this is a deduction, and if they have other deductions that do not have the requisite income levels, they will not get the benefit of this deduction. So do not believe that they are really helping the poor. This is basically an election year gimmick bill.

Third, the bill is very contradictory. In the No Child Left Behind bill, the appropriation, they have underfunded education by \$7.2 billion. They are indeed leaving children behind.

Let us look specifically at special education. We made a commitment several years ago to fund 40 percent of special education costs for local school districts. We are only funding 18 percent. But now they have a new gimmick bill while they are not fulfilling the commitments they already made in the area of special education. I find that very disturbing.

They want to talk about the poor. Title I is specifically the program designed to help the poor. The No Child Left Behind bill calls for \$16 billion in funding. But they actually only appropriate \$11.3 billion. We are short \$4.7 billion. About the same amount that they want to claim they can give back in their bill. Remember, most of the poor will not be eligible, but they will be shortchanged because we underfunded Title I.

After-school programs, certainly low income residents and students need after-school programs. They underfund after-school programs by half a billion dollars, but yet they come up with an election year gimmick bill.

As we will hear from the Democratic side, what we really need in poor communities is school modernization, technology, improved roofing, air conditioning. Young people come to me and say, We need air conditioning. It is 90 degrees and our building is not air-conditioned. That would really help the poor.

But at the end of the day what we find is this is a gimmick bill. They do not expect it to be signed into law. It is disingenuous. It suggests that people will get benefits when they are really not eligible. It is fiscally irresponsible. And it contradicts promises they have already made. There are abundant reasons why we should reject this bill and I urge my colleagues to do so.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for the opportunity to speak on behalf of this bill and to once again state the obvious, and that is, in fact, the poor will benefit.

I do not know how many ways we can put this. This is an above-the-line deduction that we are proposing. It does not matter about the deductions that they have. It is above-the-line. It will come to them regardless. It will, in fact, help the poor. I do not know how many ways there are to say that in order to, in fact, get people to understand the nature of an above-the-line deduction which is being proposed here.

Let us also talk about the possibility that this thing may not become law. Well, I do not know what will happen from this point on with this bill. My only responsibility is to determine how I should vote on this bill before me at this time and why. And I recognize that it may not become law. I recognize that there are many forces arrayed against it, mostly the forces of monopoly education, those people who say there is only one way to educate a child. It is our way or the highway; that the only money that can be possibly be spent on education is in the system we, the government, can control.

We know that that is where the real opposition is in this bill. It has nothing to do with the amount of money being spent. For heaven's sake, Members of the Committee on Ways and Means, Democratic Members of the Committee on Ways and Means have introduced 6 bills that I have in front of me that take an awful lot more money away from education than this even purports to, and this, of course, puts it into education. It is just not their kind of education. Not the education system that is run by the government that gets all of the money. It will get 90 percent of it. But a tiny little trickle may end up going to a private school and God knows we cannot have that. Why? Because we do not have control over that process.

Well, I tell you we should not. The only people that should have control over that process are the parents of the kids that are being sent to those schools. They are the ones who should make this determination as to where their kids are going to be educated, where the best educational experience can be obtained. We do not mind having that happen for people who are rich, for people who can any single day stand up and say I want my child in this district or in this school and I am willing and able to pay for it. We do not do that. Why do we do it to the poor?

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the rule and to the

bill which underlies it. I just came from the Committee on the Budget, on which I sit, and listened to Mr. Greenspan tell us about the chaos in our economy, and he is talking about a Congress that has abandoned fiscal discipline. Essentially what he said was this Republican Congress in this 40th act of the fiscal follies of 2001 and 2002 has absolutely decided to eat their dessert before they eat their vegetables. You have been doing it for 2 solid years. You passed the tax cuts, but you cannot pass a budget. You have given all the goodies away and you cannot pass the budget. That is why we are not anywhere near completion here.

This private school voucher is just one more example of the same stuff. The President has clapped himself on the back, and all the Members have, about "we passed No Child Left Behind," and that promised an increase of 15 percent funding in education, but the President's budget only had 2.8 percent increase in spending. Why did you promise 15 percent and then the President puts out a budget for less than a fifth of that? That does not make any sense. You are leaving kids behind, and we are going to give you an opportunity to change your priorities.

This picture has on it some of what we want to do in the motion to recommend. You can take the same money that you are giving away and throwing out there for people to buy gym shoes and TVs and whatever they want as long as they say it is for education. That is all they have to do is say it is for education. You take that same money and you can do something for public schools. With \$7 billion you can leverage \$25 billion of construction.

I put these pictures up here because I want you to understand we are not talking about theoretical stuff. We are talking about drinking fountains, we are talking about broken steps, we are talking about rotten ceilings in schools. We send kids to those public schools and say, "Why do the teachers not teach them well? I think people ought to have a choice to go to a private school to get away from this." Because we will not put the money into something that makes real sense.

This voucher, when we questioned the people from Treasury and said what can one use this money for, it was appalling. You can do it for broadband access for your TV or maybe you do not have a TV; so because you want your computer to go through the TV, you can buy a TV, one of those nice flat-screen ones and you can deduct the whole thing. You can buy gym shoes, some of those Michael Jordan \$100 gym shoes, because your kid has to take gym and that is related to gym. Babysitters or maybe a cab ride to school. The school says we are not going to have any buses and you have got to get your kid there any way you can. All you have got to do is call a cab and deduct it from your income tax.

If this makes sense when we are putting the children of the United States

in these kinds of schools, this is San Diego, but I could bring some from Seattle, and I bet there is not a Member on this floor that could not bring pictures just like this from their district, and yet we have a bill. It has been in the Congress. It was introduced. It has 228 signatures. That is more than half the House of Representatives, and we cannot get the chairman to even have a hearing. Now tell me, are we going to leave any children behind? It is pretty obvious we are because we have to continue the tax giveaway follies. Vote no on the rule, vote yes on the motion to recommit, and vote no on the bill.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding.

I rise in support of this underlying rule and in support of the underlying bill. This is the first full week of school in many areas of our country. In Florida, where I come from, they went back into school in August, but for millions of Americans things are really getting underway right now and they are being faced by significant costs.

Particularly I want to address the people who have their children in public school. Many of these families have to buy gym clothes, as the gentleman from Washington State (Mr. McDERMOTT) mentioned. Some of them have to pay yearbook fees, they have to pay fees for new software, lots of additional fees. I had one parent with two kids in public school tell me that they were out several hundred dollars in cheerleading fees and other fees. Obviously for people who have their children in private school, this is a much greater expense.

□ 1130

This body spoke and this body voted, and the Senate approved it and it was signed into law; and we allowed a tax deduction of \$3,000 for higher education.

What this debate is really about is are we going to allow the same thing for K through 12 and why not? Why not? The gentleman from Washington State talked about putting more money into education for Washington. I have been here for 8 years now. When I got here, the education budget was \$30 billion. What is it now, 48 billion or something like that?

I want to address this issue of school construction. We could probably get a bill out of this body, but one of the things that holds this issue up is there are a lot of people on that side of the aisle that want to mandate that any school construction funds adhere to Davis-Bacon union work requirements; and in the State of Florida, this is going to drive up school construction costs by 30 percent. Frankly, for us in Florida, we do not want Federal money if it has those kinds of strings attached; and that gets me to what really is the issue here.

We are trying to help families, and we are not trying to help rich families. This is targeted for the \$20,000 to \$40,000 range. We are specifically trying to help working families that have kids and have struggled making ends meet. Why should they send 30 cents to Washington for every 70 cents they spend on their kids' education? Give them the whole dollar to spend on their kids' education.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I would just say to the last speaker that he is correct that we gave a \$3,000 deduction for higher education. However, he also must know that that expires at the end of 2005. It is not a permanent tax part of this.

Secondly, I would say that it is kind of interesting to listen to some prior speakers who talked about the poor and who would get this. First, no single mother with an income more than \$20,000 is going to be eligible because, by the way, \$20,000 is the statutory income cutoff for noncouples.

Second, no single mother with less than a \$20,000 income will benefit if she has significant child care expenses. The reason is that for every potential dollar of tax cut from a new K through 12 education deduction, she loses a dollar of benefit under the dependent care tax credit. The credit is nonrefundable so the usable credit is limited to the amount of tax liability prior to the credit if the liability is already as low as the credit or lower, which is the case for such a single mother; then reducing her tax liability with a new deduction just reduces the credit. There is no net gain.

I might point out that after reading all of this, one of the things I think the American people are very concerned about is how we make our Tax Code less complicated rather than more complicated, and this certainly is causing us to have more complication and for people to even have the ability to use this.

Third, even among mothers without dependent care expenses, for a single mother with two children to get a benefit, her income has to fit within a very narrow range of \$19,250 to \$20,000. A single mother, two children and a \$19,250 income or less is not going to benefit because the child credit is only partly refundable and because her tax before credit is low. She is unable to use all of the \$600 per-child credit, so her tax before credit is reduced by a new deduction; her usable child credits fall by that same amount.

So as my colleagues can see, there are some concerns as to who would be able to use this and particularly at those levels.

I also have to say that I always can tell when there is a bad bill because, quite frankly, the rule then governs the debate. Guess what. Today, we

have a closed rule with no substitute allowed. Are we afraid to have debate in the U.S. Congress about issues that are of concern to the American public? I do not think the American public is concerned about debate. So why would we close the rule?

What we are going to have is an opportunity to at least take advantage of one area that they cannot take, and that is the motion to recommit; and in that motion to recommit, we are going to ask this Congress to look at what every State is asking for and, that is, funds for the ability to build schools. With that, let us take down this rule.

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

In listening to my colleague from Florida, I looked at the number of families and kids who could potentially benefit from the education tax deduction in 2000. The State of Florida, the number of families is 722,518. The number of children is 1,283,971.

I would also say, and I cannot speak for the Committee on Rules, but I can talk about our precedent in the Committee on Rules, and I can speak for me as an individual. I want to remind the gentlewoman that there was no substitute brought before the Committee on Rules that could have been considered and would have been routinely added as a substitute consideration to come to the floor.

Then I will also point out that I have not seen any motion that has referred to school construction that has been made available to me as a member of the Committee on Rules or to anyone else that I have asked. So I want to make sure that my colleagues both on the floor and throughout the buildings clearly understand that the rule before us today says that it is a legislation, I will ask the gentleman from Colorado to speak on again, of a deduction, of \$3,000 above the line for K through 12.

School construction may be a worthy subject. It is one that we know there are sponsors on both sides of the aisle. The Parliamentarian ruled that school construction would not be part of this as it was presented in the Committee on Ways and Means and was defeated on a party-line vote. There will be a future bill on construction, I am sure, because I have not seen it go away, but this does not address that.

#### PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. McDERMOTT) will state his parliamentary inquiry.

Mr. McDERMOTT. Mr. Speaker, has the Parliamentarian made a decision on the amendment which is going to be offered later in the day?

The SPEAKER pro tempore. The Chair cannot respond with an anticipatory ruling or advisory opinion.

The gentleman from New York (Mr. REYNOLDS) is recognized.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, let me ask this in the form of a question. It is my understanding, and I would like to be corrected if not, that in fact there was a substitute that was brought to the committee. My understanding is that it was out of order. But is it not customary, on occasion, that we have the opportunity to waive the rules?

Mr. REYNOLDS. Number one, it is my understanding the substitute was not germane. Number two, we usually do not waive the rules on germaneness.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, is it my understanding that the rules were waived on this bill?

Mr. REYNOLDS. We waived points of order for technical reasons.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I would just say to the gentleman, the number he has read back to me of the children and those who would have been affected by this piece of legislation, let me just say also to him that under America's Better Classroom Act, quite frankly the State of Florida would have received \$1.1 billion in new additional dollars for classrooms. This could have given us some ideas of what we could have done with classroom size.

I would also say I watched after this body, and I thought we have a very good debate. We talked about education; we did a bipartisan bill. We all believed that the President was right in putting this bill of Leave No Child Behind. It was historic across the Nation. We watched people go around in a bipartisan way. I mean, we had the gentleman from California (Mr. GEORGE MILLER) and others standing hand in hand; how wonderful this legislation was going to be.

I also remember the day that the debate took place, and the debate went something along the lines, this is a good piece of legislation if the money's there. Lo and behold, we get a budget proposal this year that cuts \$8 billion. Instead of restoring dollars to the budget, for things like classroom size and other things, the fact of the matter is we are going to end up cutting \$7 billion to give \$5 billion to probably where very few people will be able to use this because of their other tax liabilities.

I would suggest to this body that if my colleagues are going to make promises and go out and talk about historic legislation, they ought to back it up with the money and quit playing tax breaks for a few.

Mr. REYNOLDS. Mr. Speaker, our last speaker is the bill's sponsor. I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER) to help us clearly see the intent of what he has sponsored in his legislation, because the debate on education has taken us in varied directions.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for putting the final discussion here in the right context because the debate has drifted far away from the intended subject, and that subject is America's children who are in schools and primarily those who are poor.

I have always appreciated the gentlewoman from Florida for her candor, and I appreciate it again today because she really revealed the motivation behind many of the votes that will take place today. It is motivated by unrelated issues, about school construction, other bills; and unfortunately, if they succeed, the casualty in the outcome of that debate would be poor children in America.

The bill that precipitated the debate and brought the rule here is all about focusing on families that earn \$20,000 per individual, \$40,000 per married couple, and allowing them to deduct from their taxable income up to \$3,000 of expenditures for costs associated with educating their children, for books, supplies, materials, tuition, transportation, those items that those families believe to be in the best interests of furthering their child's education.

I understand there are many here who have opposed and been in opposition of this idea because they do not trust these parents. They think they might buy flat screen TVs. Guess what, the Department of Education buys flat screen TVs. In fact, the Department of Education has a very bad record over the last several years when it comes to waste, fraud and abuse. We have investigated it. I did not see anybody over on that side of the aisle stand up saying, wait a minute, since they spent money on Cadillacs, flat screen TVs, have lost cash, hundreds of millions of dollars, let us not give them anymore. Nobody raised that argument. In fact, my colleagues' argument then was let us give them more money so they do not waste as much.

I tend to trust families and individuals to spend money right when it comes to their children, and I trust them more than I do government. That is just what I believe, and that is really what this debate is all about.

For those who believe that there is not really an appreciable benefit for families, they should just vote for it, because as my colleague pointed out, this costs \$5 billion. That is \$5 billion of children who stand to benefit from this legislation. Let us spend it on them rather on the bureaucracy, and let us vote for the rule.

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

I would like to make two points. One is that we do trust American families on this side of the aisle. We trust them enough that we do not want to perpetrate a hoax on them this morning, which we think is exactly what is happening here, and to point out that had the gentleman from New York's (Mr.

RANGEL) substitute been allowed and passed, that our State of New York would receive \$2.5 billion in much needed construction money.

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

□ 1145

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 208, nays 201, not voting 23, as follows:

[Roll No. 387]

YEAS—208

Aderholt	Flake	Lewis (KY)
Akin	Fletcher	Linder
Armey	Foley	LoBiondo
Bachus	Forbes	Lucas (OK)
Baker	Fossella	Manzullo
Ballenger	Frelinghuysen	McCreery
Barr	Ganske	McHugh
Bartlett	Gekas	McInnis
Barton	Gibbons	McKeon
Bass	Gilchrest	Mica
Bereuter	Gillmor	Miller, Dan
Biggert	Goode	Miller, Jeff
Bilirakis	Goodlatte	Moran (KS)
Blunt	Goss	Myrick
Boehlert	Graham	Nethercutt
Boehner	Granger	Ney
Bono	Graves	Northup
Boozman	Green (WI)	Norwood
Brady (TX)	Greenwood	Nussle
Brown (SC)	Grucci	Osborne
Bryant	Gutknecht	Ose
Burr	Hansen	Otter
Burton	Hart	Oxley
Buyer	Hayes	Paul
Callahan	Hayworth	Pence
Calvert	Hefley	Peterson (PA)
Camp	Heger	Petri
Cannon	Hobson	Pickering
Cantor	Hoekstra	Pitts
Capito	Horn	Platts
Chabot	Hostettler	Pombo
Chambliss	Houghton	Portman
Coble	Hulshof	Pryce (OH)
Collins	Hunter	Putnam
Cox	Hyde	Quinn
Crane	Isakson	Radanovich
Crenshaw	Istook	Ramstad
Cubin	Jenkins	Regula
Culberson	Johnson (CT)	Rehberg
Cunningham	Johnson (IL)	Reynolds
Davis, Jo Ann	Johnson, Sam	Riley
Davis, Tom	Jones (NC)	Rogers (KY)
Deal	Keller	Rogers (MI)
DeLay	Kelly	Rohrabacher
DeMint	Kennedy (MN)	Ros-Lehtinen
Diaz-Balart	Kerns	Royce
Doolittle	King (NY)	Ryan (WI)
Dreier	Kingston	Ryun (KS)
Duncan	Kirk	Saxton
Dunn	Knollenberg	Schaffer
Ehlers	Kolbe	Schrock
Ehrlich	LaHood	Sensenbrenner
Emerson	Latham	Sessions
English	LaTourette	Shadegg
Everett	Leach	Shaw
Ferguson	Lewis (CA)	Shays

Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Sullivan  
Sununu  
Sweeney  
Tancredo

Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Upton  
Vitter  
Walden  
Walsh  
Wamp

Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

PERSON and Ms. McCOLLUM changed their vote from "yea" to "nay."

Mr. TERRY changed his vote from "nay" to "yea."

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.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 387 I was unavoidably detained. Had I been present, I would have voted "yea."

#### NAYS—201

Abercrombie  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Clay  
Clayton  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gordon  
Green (TX)

#### NOT VOTING—23

Ackerman  
Bonilla  
Clement  
Combust  
Cooksey  
Gallegly  
Gilman  
Gonzalez

Gutiérrez  
Hall (TX)  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinches  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hoolley  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Millender-  
McDonald  
Mollohan  
Moore  
Moran (VA)  
Morella

Murtha  
Nadler  
Napolitano  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

#### PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, on the morning of Thursday, September 12, 2002, I was in my congressional district participating in ceremonies honoring constituents who perished in the September 11, 2001, terrorist attacks on America. Due to this circumstance, I was unable to cast votes for rollcalls 385 and 386. Had I been present, I would have voted in the following manner: "yea" on rollcall 385; "yea" on rollcall 386.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1215

#### LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time to inquire of the distinguished majority leader what the schedule is. Was that the last vote of the day, and how are we going to proceed?

I am pleased to yield to the distinguished gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, September 17, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspensions of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

For Wednesday and the balance of the week, I have scheduled the following measures: H.R. 1701, the Consumer Rental Purchase Agreement Act, and H.R. 4687, the National Construction Safety Team Act.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I would like to inquire of the majority leader when he expects the bill that was just pulled to be rescheduled?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry.

We do have some technical considerations. We will have to have some dis-

cussions among ourselves, the bill sponsor and the committee of jurisdiction. I will announce in ample time for everybody's consideration before we reschedule it again.

Ms. PELOSI. I would further like to inquire of the majority leader when the appropriations bills will come to the floor?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's concern on that. We wait upon the circumstances that allow us to bring our appropriations bills to the floor in a manner that is consistent with the budget passed by the House. We know this is a difficult circumstance for the House, in light of the fact that the other body has not passed a budget whatsoever and is seeking to spend anywhere from \$9 billion to \$19 billion beyond the President's request and the House budget. So we continue to work on these difficult problems.

Ms. PELOSI. Mr. Speaker, I thank the gentleman. I was particularly interested in the Labor, Health, Human Services and Education bill, when that would come to the floor, because in its present form it cuts \$7 billion in education from the Leave No Child Behind bill that was passed, H.R. 1, with great fanfare early in the year. So we are very, very interested in the resolution and the debate on that bill.

Would that bill be coming up next week?

Mr. ARMEY. Again I want to thank the gentlewoman for the inquiry.

The Labor, Health and Human Services bill has always been a bill that this side of the aisle, the Republican majority, has given special attention to. Indeed, Mr. Speaker, we have more than doubled spending on that bill since 1996, going from \$67 billion at that time, the first year in which we had majority jurisdiction, to \$130 billion today. So we continue to have great emphasis on that bill. Indeed, we plan a 5.3 percent increase over the previous year; a 3.7 percent increase over last year for education and a 14.2 percent increase over last year for title I. So we continue to work with a sense of priority for that.

Obviously, we always understand that the very definition of "underfunded" in this town is the difference between what a bill's original sponsor seeks to authorize and what in fact is indeed appropriated. But we are continuing, as we have done, to increase appropriations in this bill and its jurisdiction more than other appropriations bills.

Ms. PELOSI. Reclaiming my time, I am glad the gentleman ended on that note, because further to remind our colleagues, the President's Leave No Child Behind bill, H.R. 1, the flagship bill on education that was passed by this body, had \$7 billion in the President's bill for education, but in this bill cutting the investment in education leaves millions of children behind. So it is a high priority for us, and we look forward to that bill coming to the floor.

□ 1212

Messrs. HONDA, DICKS, LIPINSKI, JACKSON of Illinois, MCINTYRE, JEF-

Would the distinguished majority leader tell us when the bankruptcy conference report would be scheduled?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry.

It is particularly timely to talk about bankruptcy within the context where 3.7 percent increase and a 14.2 percent increase is considered a cut. That is exactly the kind of thinking that leads to bankruptcy dilemmas across the country. The bankruptcy bill, too, is an extremely important bill. We intend to do so.

Unfortunately, the bill is inflicted by a totally extraneous provision having to do with abortion put in by the other body. That has made it very difficult for Members who have a commitment on both of these two very important moral issues to reconcile their conflicts between that.

Unfortunately, we risk this bill's passage by virtue of the kind of extraneous riders that are all too commonplace in the other body. This body, being the more disciplined and responsible body, will, as it many times must do, find a way to come to terms with that irresponsibility in the legislative process, and as soon as we have found that way, I promise we will bring that bill to the floor.

Ms. PELOSI. Is the gentleman referencing the provision in the bill that was put in by the gentleman from Illinois (Chairman HYDE), from the gentleman's own party?

Mr. ARMEY. I appreciate the gentleman's inquiry.

The gentlewoman also understands it is contrary to the rules of the House for me to mention Senator SCHUMER by name, and I would never do that.

Ms. PELOSI. And the gentleman from Illinois (Chairman HYDE).

Mr. Leader, can we assume that since here we are, it is 20 after 12 on Thursday, we are in the middle of a great economic uncertainty in our country, America's seniors are clamoring for prescription drug benefits, we need to invest more in education, we have a list of priorities that the American people are concerned about, including their pension security, we came in just the other night, we are going out at 20 after 12 on Thursday and there will be no votes tomorrow, is that our understanding? We finished our business for the week?

Mr. ARMEY. Again, if the gentlewoman will yield, I appreciate so much the gentlewoman's frustration. We passed investment security over to the other body in August. We passed the education bill. We passed the prescription drug bill. We passed the homeland security bill.

We in this body are stuck with watching these bills languish in the other body as we await any kind of competent action from the other body. As soon as they can manage to pass any of these bills and get to conference on these bills, we would be willing to sit down and work on these bills, and I promise you we will bring them back for completion.

The gentlewoman is absolutely correct. All of this is too important to the people of this Nation for the other body to continue to dillydally.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I think that if there is a person out there who has lost their pension or a senior making a decision about how much of a dosage you are able to afford to take or whether you can even afford to take any prescription drug over purchasing food, or if your child is going to a substandard school and you want a better investment, and the list goes on and on, you would think that what we were doing here is irrelevant, especially when we are not even here. We are missing-in-action on some of the struggles of the American people.

Will the gentleman inform us whether we will have votes next Friday?

Mr. ARMEY. Mr. Speaker, I do appreciate the gentlewoman's inquiry.

Of course, all of these concerns are exactly why our pension bill was passed out of this body, as I said, last April.

Whether or not we are able to have votes on Friday will depend upon the appropriators, particularly those appropriators that must reconcile themselves against the excesses of the other body. But we will try to get these bills to the floor, and I will announce as early as I can whether or not there will be votes on Friday.

Ms. PELOSI. So it is our understanding we are leaving at 20 after 12 on Thursday, coming back at 6:30 on Tuesday, and we may be out next Friday?

Mr. ARMEY. If the gentlewoman will yield, the incredible thing, Mr. Speaker, is that even keeping these hours, we get three times as much work done as is done in the other body.

Ms. PELOSI. Our standard must be the standard we set for the American people, and we cannot hide behind anyone else's schedule. We have leadership that we can take ourselves to meet the needs of the American people.

I thank the distinguished majority leader for the information, and, as always, his gracious presentation.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members that references to the Senate or to Senators are closely circumscribed by the rules and inappropriate references must be avoided.

#### HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 13, 2002, TO TUESDAY, SEPTEMBER 17, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 13, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, September 17, 2002, for morning hour debates.

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

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

#### LAYING ON THE TABLE CERTAIN RESOLUTIONS

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table:

H. Res. 464;  
H. Res. 500;  
H. Res. 501;  
H. Res. 506; and  
H. Res. 508.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from New York?

There was no objection.

#### CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-261)

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 and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for 1 year. Proclamation 7463, Declaration of National Emergency by Reason of Certain Terrorist

Attacks, was published in the *Federal Register* on September 18, 2001 (66 Fed. Reg. 48199).

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2002, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 12, 2002.

#### WELCOMING BULGARIAN PRESIDENT GEORGI PARVANOV TO AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, I welcomed Bulgarian President Georgi Parvanov to Capitol Hill, along with Ambassador Elena Poptodorova and Foreign Minister Solomon Passy. Joining me in this meeting were the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from California (Mr. HORN), who are two members of the newly formed Bulgaria Caucus, also cochaired by the gentlewoman from California (Mrs. TAUSCHER).

The Bulgarian caucus was created to spread awareness in America about Bulgaria's strategic location and critical assistance in the war on terrorism. Members of the Bulgaria Caucus are also strongly committed to helping Bulgaria gain admittance to NATO this November.

President Parvanov presented proclamations to the gentlewoman from California (Mrs. TAUSCHER) and I to honor the creation of the Bulgaria Caucus. The presidential proclamation affirms "Bulgaria is committed to standing by the United States in the war on terrorism for the long haul," and that the leaders of Bulgaria are looking forward to working with members of the Bulgaria Caucus to further interest and awareness in America about Bulgaria.

□ 1230

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### SADDAM'S VIOLATION OF U.N. RESOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today in the wake of the remarks by the President of the United States before the United Nations, words that reso-

nated not only around this Nation but around the world, to respectfully repeat the question the President asked that august and historic body today: Will the United Nations choose to be relevant on the planet Earth?

As the President described, Saddam Hussein, the dictator of Iraq, has systematically and continually violated 16 United Nations resolutions over the past decade. The United Nations, for incomprehensible reasons, has chosen to retreat in the face of Hussein's audacity.

Mr. Speaker, we must learn the lessons of history. Over 60 years ago, Neville Chamberlain retreated in the face of tyranny in Central Europe when he returned to the people of England and held aloft a sheet of paper, an agreement of peace with the dictator of Germany, and pledged that he had achieved peace in our time.

For the past decade, the United Nations has repeated the mistakes of the past. President Bush demonstrated by his speech in the United Nations that he will not play the role of a modern-day Chamberlain, but he has chosen to play the role of Churchill. As the President said today, Saddam has made the case against himself. A dictator who routinely murders his own people, harbors terrorists, develops weapons of mass destruction is a threat to the civilized world.

President Bush has made the case for military action against Iraq, and it is now time for the United Nations to fully support regime change in that nation and for that people.

Iraq has refused weapons inspections for almost 4 years. Mr. Speaker, 4 years is 4 years too long. Are we to believe that Saddam Hussein stopped developing biological and chemical weapons and his pursuit of nuclear capability at the exact moment he prevented weapons inspections from going forward? As the President said memorably today to the United Nations, logic and common sense scream otherwise.

Are we willing to gamble, as the President asked, the lives of hundreds of thousands, if not millions, of people on the possibility that Saddam Hussein can be trusted, or is it more reasonable to assume that when that dictator attains a nuclear weapon, that he will be prepared to use it?

Saddam Hussein has already used weapons of mass destruction. A nuclear capability is simply the next and logical macabre step. As the President said today, this is a gamble that opponents of military action are taking in the world. It is a gamble that I and many in this institution, as the debate ensues in the weeks and months ahead, I pray will not be willing to take.

Mr. Speaker, military conflict is a serious business. There is not a night that I do not go into my 11-year-old son's room late, pull up the covers and brush back his hair, that I am not aware of the cost of war. But I must say today, the risk of inaction against this malevolent dictator, who has

flaunted the resolutions of the civilized world, is greater than the risks of action.

The United Nations, as the President said memorably today, Mr. Speaker, was designed to be able to respond to threats from dangerous dictators who threaten the peace of the world. I say again that question which the President asked today. The United Nations must now choose whether it will be relevant on planet Earth.

If they choose against relevance, as the President was clear today, let the world be assured that by this Congress and its war powers authorizing our Commander in Chief, the United States and its courageous allies will not choose irrelevance; we will choose justice. We can seek the safety and security of our people and the people of the civilized world.

#### ELECTIONS IN KASHMIR

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor this afternoon to express my deep concerns regarding the upcoming elections in Kashmir, which begin on September 16.

Mr. Speaker, I would like to first make it clear that Kashmir is a state within India, which is the largest democracy in the world. Given that India has operated under the traditions of democracy since independence, I am confident that Indian officials and their electoral commission are doing everything possible to ensure that the elections proceed under free and fair circumstances.

In fact, this week myself and some of my colleagues who are members of the India Caucus met on a bipartisan basis, I should say, with the external minister, Sinha; and he told us very dramatically that the Indian Government, together with the electoral commission, are doing everything possible to make sure that these elections are held in free and fair circumstances. They have learned some of the lessons from the past about how to improve the voter turnout and to make sure that violence is not committed against those who would choose to exercise their right to vote.

However, my concern stems not only from increased infiltration of terrorists at the Kashmiri line of control, but also from the surge of violence in the Kashmir region by Islamic fundamentalists, whose primary purpose is to thwart the elections in Kashmir.

It is no coincidence that the new wave of infiltration at the border and the specific violence aimed at candidates running in Kashmir are occurring now just days prior to the beginnings of the election. On a near-daily basis for over a year, we have been witnessing cross-border terrorism in Kashmir that has led to countless murders

of Indian army officials and innocent civilians.

This leads me to believe that there is very little possibility that infiltration by Islamic militants at the Kashmir line of control has subsided, even though President Musharraf of Pakistan pledged that infiltration would decrease several months ago. Mr. Speaker, increased cross-border activity, augmented by targeted attacks against those running in the elections, and President Musharraf's calling the elections a sham, are cause for serious alarm.

Just yesterday, it was reported that a candidate, a Kashmiri state government minister, along with seven others, was killed by militants. This was the second murder of a candidate in less than a week and is the most recent addition to a string of murders by militants that have killed 40 political workers in the past several weeks. Militants have vowed to escalate violence prior to the election in an effort to disrupt the elections, and they go so far as to say that they will attempt to kill anyone who participates.

Mr. Speaker, unless there is a clear directive from the Pakistani President to the militants to end this violence surrounding the elections, and an acknowledgment from President Musharraf that these elections are not to be interfered with, and that they should proceed free and fair, it is unclear to me what type of outcome there will be between now and the conclusion of the elections. The elections go, Mr. Speaker, from September 16 until sometime in October.

I would urge President Musharraf of Pakistan to take a leadership role and to ensure India that the elections can take place without any threat of violence. I urge the Bush administration to put more pressure on Musharraf to end cross-border infiltration and not condone interference at the polls in Kashmir.

Mr. Speaker, I mention that when the Indian external minister, Mr. Sinha, was here, he spoke to our Secretary of State, Mr. Powell, and asked him to do whatever he could to put pressure on Musharraf to make sure that the elections in Kashmir are not interfered with.

But, of course, the concern is whether Musharraf is going to carry through. He has to be made to uphold his commitments to ending terrorism, and the first step he can take is to do everything in his power to ensure that cross-border terrorism into Kashmir ceases and that the elections in Kashmir take place freely and fairly, without the threat of violence to the candidates or Kashmiri voters.

#### A TRIBUTE TO CONNELLY SPRINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BALLENGER) is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, let me just say, nestled halfway between Raleigh and Asheville in North Carolina is a little town called Connelly Springs. It is a small town built around an old stagecoach stop which now serves railroad passengers.

Named for its healthful spring waters, Connelly Springs was incorporated in 1920; but due to taxes, licenses, fines, and other onerous government impositions, residents decided to repeal the town charter in 1933.

As time passed, residents needed a water supply system as local wells became less productive. Residential roads needed paving, and the State only paved highways. To address these community needs, a group of citizens petitioned the State legislative bodies to allow a vote on reincorporation; and in 1989, 266 out of the 400 town voters approved the effort.

Amazingly, the first government decided a nickel per hundred dollar property tax would cover the cost of government. City offices were established in the old filling station with a volunteer clerk to handle the details. In addition, six volunteer council members would set town policy.

The council did an outstanding job meeting the community's needs. When two larger towns on either side of Connelly Springs decided to run a large water line connecting those two, the town of Connelly Springs' council realized the lines would pass near the northern boundary of the new town. They decided to go into the deal for \$200,000 paid over 20 years.

The plan worked beautifully. With several backhoes and other equipment to aid in the installation, Connelly Springs installed the water lines and became the first North Carolina self-help program member whose local residents provided the time and the resources to install their own water lines.

With the aid from their Rensselaerville Institute and the Appalachian Regional Commission, a \$60,000 loan from the Ford Foundation, and local funds, the town reached the necessary projected cost of \$282,000.

Three years ago, I shoveled a little dirt to prepare the land for a new town hall. This September 7, I helped cut the ribbon to open the finished town hall. The upper floors contain offices and the council chamber, and the lower floor will be a community center for all local groups to use whenever they need it.

We ate hot dogs and hamburgers to celebrate the grand opening. It is all paid for, and they have money in the bank. In all my life, I have never seen a more dedicated group of citizens who manage their efforts and money so carefully. I only wish I had some of that dedication in Raleigh, North Carolina, and also in Washington, D.C.

#### HONORING CONGRESSIONAL STAFF AND GOVERNMENT EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, yesterday our Nation and this House paid a fitting tribute to those who lost their lives on September 11, to the heroic rescuers, and to their families.

Today, I would like to take just a moment to honor another group of people who serve this Nation in a less dramatic way, but who are heroes in their own right and in their own quiet ways.

Last year, just 1 day after our Nation came under attack, and this very building was among the targets, the men and women who work here in this building, in our offices and in countless other government offices throughout this land, came right back in to work to serve this great Nation. When they came in to work on that September 12 morning, they knew then and they have known each and every day since then that they work in a potential target.

Scarcely a month later, they then faced a new challenge when anthrax entered our buildings, and for some of our staff, entered their bodies. The Capitol Police, the janitors and maintenance workers, the grounds crews, the people who serve food, the secretaries, the Parliamentarians, the clerks, the young pages, our legislative and our committee staff, our field and case-workers, and all the other dedicated and courageous people who make this place and our government run all deserve our thanks and our praise.

With tears in their eyes, with sadness and with fear in their hearts, but with indomitable courage they came right back to work to serve this country we all love.

A year has passed now, and the immediate danger may have been diminished; but it remains in our awareness. Still, our staffs and the rest of the employees come to work, and in doing so, they serve our country.

□ 1245

In these times, this takes courage. So, and for that courage, I am grateful and this country is deeply fortunate.

#### HONORING OFFICER CRYSTAL D. SHEFFIELD

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon to pay tribute and honor Crystal D. Sheffield, a Baltimore City police officer who was killed in the line of duty while coming to the aid of a fellow officer on August 21, 2002. She was the city's first female officer ever to die in the line of duty.

Following a family tradition of public service, Officer Sheffield became a

Baltimore City police officer in 1999, joining 3 family members already on the police force. Officer Sheffield was raised in Baltimore and loved her city. She wanted to give back to Baltimore and the community she loved. She worked the midnight shift in the western district of Baltimore, which is one of the more dangerous districts.

I had the opportunity to attend Officer Sheffield's wake and funeral services a few weeks ago. It was a moving ceremony with more than 300 people in attendance. Political officials, ordinary citizens, police officers and firefighters from Baltimore, the State of Maryland and other jurisdictions were among the attendance. Many people approached the family, telling them stories of how Officer Sheffield helped them with a problem. The testimonial showed how much she was loved and will be missed.

She worked the western district, which was near my house, and I got a chance to know her. It is interesting to note that when told of her tragic death, some of my neighbors simply wept. Not only was Officer Sheffield a dedicated police officer, she was also a dedicated wife and mother. She is survived by her husband, Lt. William Sheffield, a Baltimore City firefighter, and her son, Darian. It was said that she wanted to be a role model for her son so she worked hard, building a wonderful reputation of being dependable and a great police officer who could easily resolve conflicts. Officer Sheffield could often be found at her son's school, talking to his teachers and encouraging him to excel.

Police officers work and put their lives at risk for all of us. Like all police officers, Officer Sheffield took an oath to protect and to serve. She was simply doing her job. Officer Sheffield did not know that her next call would be her last call, but she lost her life going to the aid of a fellow officer. That was the type of officer and the type of person Officer Sheffield was.

So, Mr. Speaker, I want to pay special tribute to Officer Crystal Sheffield, a real American hero and a role model for us all. I extend my condolences to the family, friends and colleagues of Officer Sheffield, and my thanks for a job well done.

#### VACATION OF SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of Mr. JONES of North Carolina requested on September 9, 2002 is vacated.

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### DROUGHT AID THROUGH THE FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I come to the floor today to discuss a very pressing and most distressing issue in the Great Plains States and much of the mountain West; and as can be seen by the map here, the drought map, we are currently experiencing a drought across the United States that affects roughly 45 percent of the land mass of the country.

In a normal year we can expect drought in maybe 10 percent or 15 percent of the country. And you can see by the severe brown marks and the red marks that the drought is not only extensive, it is extreme.

These are areas where essentially all the pastures are gone. The cattlemen have no feed left for the winter. They have had to sell off their herd in many cases because there is no way that they can feed their cattle. And as we have had the glut on the cattle markets, prices have declined and a great many cattlemen have taken huge losses, so we are seeing tremendous distress in the livestock industry, particularly in the cattle industry.

Also, what we have found is those who have raised crops have experienced a similar difficulty. The dry land crops are totally gone in all of those areas that are red and brown. And, of course, this has caused huge economic distress. Even those areas that are irrigated have lost substantially because one cannot run a center pivot fast enough to keep up with the drought. In many areas they have lost their ditch water. The water has been cut off because the rivers are dry. There is no water available. So even irrigated crops are severely impacted.

So some have said, well, what we have to do is take the money out of the new farm bill because there is a huge amount of money in there and just take it out of there. We have not been able to figure out how we can get enough money out of the farm bill without destroying the farm bill that will undo this huge problem. So as a result, the gentleman from South Dakota (Mr. THUNE), the gentleman from Kansas (Mr. MORAN) and myself have introduced legislation that we think addresses this problem.

At the present time we are estimated to lose \$1.4 billion in the State of Nebraska alone. Kansas also is roughly \$1.4 billion and the other States that we see here will have similar losses, so it is a huge loss. The thing that we are concerned about is if there were a hurricane that affected that amount of land mass in the United States, or if we had a wildfire that burned up that much area in the United States, or if we had a tornado that affected that much, or a flood or whatever, we would immediately have assistance. But a drought occurs slowly over time and it

is not quite as visible, but the economic devastation is every bit as great as what these other disasters might have.

So we need help and we need it now. We cannot take the money out of the farm bill because there simply is not that much there. So what we have proposed is another solution, and that is that we look at this, at the spending currently in the farm bill.

We will see in the heavy blue line here what has been budgeted for the farm bill in the year 2002, roughly \$19 billion. Yet, recent projections by CBO indicate that roughly \$13 billion will be spent this year. So it is a \$6 billion shortfall. And, you say, why is that? Well, the reason is because the drought, the drought has reduced production of corn, soybeans, milo, sorghum, rye, many other crops by 10 to 15 percent. Therefore, the price has risen. So as the price has risen, there is no need for government payments, no countercyclical payment, no loan deficiency payments. So as a result we will see a savings, so to speak, of roughly \$6 billion, and the reason for the saving, if you want to call it that, is simply because we have had a drought. And those people who have been affected most by the drought, who have been hurt by the drought, will not receive any payments.

What we are proposing is we take this shortfall, this \$5 billion or whatever, and allocate it to emergency drought assistance. It does not break the budget. It falls within what has already been budgeted. This contrasts sharply with what the other body has proposed. They want to add roughly \$6 billion of new spending. We think this is fiscally responsible. We think it certainly addresses the issue that is going on in the West and other parts of the country, even in the southeastern part of the country. But the main thing we are trying to drive home is this is critical and this is not emergency spending. It is not because of low prices. It is because of natural disaster. It is disaster spending which we need badly.

Mr. Speaker, I urge careful consideration of my colleagues to this dilemma that we are now facing.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### LESSONS LEARNED FROM SEPTEMBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as we continue our reflection on September 11, I wanted to take a moment to enter into the RECORD a piece written by the

Speaker Pro-tempore of the Florida House of Representatives, Sandra Murman from Tampa, Florida, and it goes like this:

"When I hear the date September 11, images immediately flood my mind. I see the plane hit the second tower. I see the Pentagon on fire and I can hear the sickening crunch as the towers fall while throngs of people run to escape the thick gray cloud. I also remember the utter horror I felt when I realized this was not simply one plane off course but rather a planned attack. This was our generation's Pearl Harbor. But unlike Pearl Harbor, terrorists hijacked planes full of innocent civilians and crashed those planes into buildings filled with more innocent civilians. On that day we saw the face and felt the hand of evil, but we also saw extraordinary goodness through the lives of heroic Americans in Washington, New York, and a Pennsylvania field.

"As we gather here to mark the one-year anniversary of the attack, I would like to share my thoughts on what I have learned since last September," she writes.

"Lesson one: I have been reminded that life is short and precious. That argument with a spouse, the concern over which car to purchase on September 10, suddenly seemed so petty after the attacks. As I evaluated my own life, I realized what mattered most was my relationship with God, my family, loved ones and community. Everything I do now needs to have meaning, purpose, and positively impact those around me.

"Lesson two: Before September 11 we knew we had enemies and lived in a dangerous world, but September 11 we discovered that organized groups of terrorists had both the desire and the ability to create devastation within our country. We can no longer take this security for granted. There is our new reality.

"Lesson three: On September 11 America showed that we are still a nation of heroes. Incredible courage was shown by the New York City firefighters who slapped on their gear and charged into the burning buildings to help victims escape. New York lost 343 of its finest that day. Hundreds of workers in the World Trade Center helped one another escape. I remembered hearing the story of one man who, instead of escaping Tower Two, chose to remain behind with a disabled colleague who could not make it down the stairs. They both perished that day. And, of course, we all heard the story of Flight 93, those extraordinary men and women who said their good-byes to their loved ones, prayed the Lord's Prayer, and with the words of 'Let's roll,' charged the cockpit to save countless lives in Washington, D.C.

"In an instant these ordinary Americans became legends. All the sacrifices on September 11 have left us speechless with gratitude.

"Lesson four: We have the responsibility to ensure that the lives lost on

September 11 were not in vain. We were attacked because of who we are. The principles on which our country was founded, freedom, equality and the dignity of the individual, are a threat to Islamic extremists. They view open, democratic societies as the enemy and want to create a society where there is no religious freedom and no civil liberty. As defenders of liberty we stand in their way.

"At this very moment our servicemen and women are defending the cause of freedom throughout the world. Here on the home front we, too, have a responsibility. Our defense involves upholding the values of America. We have a civic duty to participate in our democratic institutions. We have a responsibility to instill in our children a love of liberty, a love of country, the difference between right and wrong and the willingness to make sacrifices in this ongoing struggle between freedom and tyranny.

"Let me close by reading President Bush's September 20th speech to the Nation:

"Great harm has been done to us. We have suffered great loss. And in our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom, the great achievement of our time, and the great hope of every time, now depends on us. Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts, by our courage. We will not tire. We will not falter. We will not fail.

"Thank you. May God bless you all."

Sandra Murman, majority leader of the Florida House of Representatives.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### POLITICAL SPEECHES IN CHURCHES

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, I appreciate this opportunity.

Mr. Speaker, it is kind of ironic that I would be following the gentleman from Florida (Mr. FOLEY) as he was paying tribute to those who have lost their lives and their families, and then he talked about our military who today are in Afghanistan defending the freedoms that we all enjoy, and our way of life.

□ 1300

My purpose today in asking for this time is that I have put in legislation, House bill 2357. It is called the Houses of Worship Political Speech Protection Act. I believe that the strength of this country depends on our spiritual leaders having the freedom to talk about issues of the day, whether they be the moral issues of the day or the biblical issues of the day or the political issues of the day, quite frankly.

When I started looking into this legislation and doing the research and the history on why there was a law in the Tax Code that would somehow prevent certain political speech, and the more I looked into it, the more concerned I became because I believe sincerely that the first amendment right of all the American people and all the groups in this country, I mean, must be protected and has been for years and years by men and women who have served this Nation and many who gave their lives for America.

As I looked into why there was some type of political speech restriction on our churches and synagogues and mosques, I found out that in 1954, Lyndon Baines Johnson, United States Senator from Texas, and actually the majority leader of the Senate, had the H.L. Hunt family opposed to his reelection. At the time, the H.L. Hunt family had two think tanks that were conservative in nature and they were not churches, but they were 501(c)(3)-type status.

What Mr. Johnson did on the Senate side, he introduced an amendment to a revenue bill that was never debated. The amendment was never debated, and the Republican minority at that time accepted the Johnson amendment on what they call "unanimous consent," or UC. Basically, what the Johnson amendment did was to put a gag order on any type of political speech by a preacher or priest or rabbi; and I would like to explain that just a little bit for practical reasons.

It happened in the 3rd District of North Carolina, which I have the privilege to represent, that a priest in a Catholic church was asked by a parishioner, a friend of mine named Jerry Schill, if the priest would just say at the end of the homily, or the sermon, on Sunday that George Bush is pro-life, not really anything more than that, but just that one statement. The priest

said to Jerry Schill, "Jerry, I cannot do that. If I do, I might be violating the 501(c)(3) status of this church and we would lose that status."

Mr. Speaker, I decided that, working with other Members, including the Chair, that I would introduce the legislation to return the first amendment right to our churches and synagogues and mosques in this country. That was taken away primarily by one man who, in his arrogance being Senator Johnson, wanted to stifle the speech of opposition.

I must tell my colleagues, with a great deal of humility, that we have 130 cosponsors of this legislation. We have recently picked up three or four from the Democratic side, which I am very grateful for. In addition, we recently have received a letter of support from a former Member of the House who is a Democrat, and the former Member's name is Reverend Floyd Flake.

I served my first term with Dr. Flake, and he was a man that we all respected for his integrity and his honesty, and Dr. Flake decided to leave the House and go back to his church. It is the Greater Allen Cathedral of New York; and quite frankly, I found out after we put this legislation in that Reverend Flake had received a letter of reprimand from the IRS, Internal Revenue Service. They have the authority because the Johnson amendment went on the revenue bill, and Reverend Flake had at that time candidate Al Gore in his church and after Presidential candidate Gore was speaking, Reverend Flake got up behind him and said to his congregation that, "I think this is the right man to lead this Nation." That was a violation. So, therefore, instead of losing the status, he was given a warning.

I contacted Reverend Flake, and he wrote me a letter that I want to submit for the RECORD, but I want to read just one paragraph. It says: "I praise God for the stand you have taken to defend the first amendment right of houses of worship. It is unjust that churches and clergymen and women are unfairly targeted when they exercise their rights as American citizens."

Mr. Speaker, I want to read a couple more letters that we have received in support of this legislation. One is from Rabbi Daniel Lapin. He heads a group called Toward Tradition. He is a wonderful man of God. I have heard him on the radio several times, and I am going to submit his letter for the RECORD with the Chair's permission. I will read just two paragraphs: "I hope that Congress and the President would join your campaign to revive one of the most basic principles of the American founding, the freedom of unhindered political speech." That is Rabbi Lapin.

In addition, a letter from D. James Kennedy. Dr. Kennedy says, and this is the Coral Ridge Ministries, "In a culture like ours, which sometimes seems on moral life support, the voice of the church in her message of reconciliation, virgin hope is more important

now than ever before. Yet the current law enacted by Lyndon Johnson has effectively silenced the church. We are a poorer Nation for it." D. James Kennedy in support of H.R. 2357.

Then James Dobson sent us his letter. I will submit the letters again with the Chair's permission: "I was encouraged by your work on H.R. 2357, for I have been troubled by the increasing pressure on churches and other religious organizations to desist from speaking out on the moral issues of our day."

A letter of support from the former ambassador to the Vatican, Ray Flynn, also former mayor of Boston, Massachusetts.

The last letter I want to read is from the Southern Baptist Convention, Dr. Richard Land; and Mr. Speaker, I would also with the Chair's permission like to submit the entirety of this letter for the record, also. The paragraph I would like to read, Mr. Speaker, is this: "We endorse your bill because we believe it provides an appropriate barrier to hinder the government from seeking to define the mission of the church. If it should become law, we will encourage Baptist churches to speak freely on the issues of the day as we believe they should already but to refrain from formally endorsing candidates."

The reason I wanted to close with that letter is because this legislation that we have 130 cosponsors on is not anything more or less but to return the freedom of speech to the churches should the churches and synagogues decide that that they would like to talk about such issues of the day.

I include those letters for the RECORD at this point.

THE GREATER ALLEN CATHEDRAL  
OF NEW YORK,  
Jamaica, NY, June 24, 2002.

Hon. WALTER JONES,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

DEAR CONGRESSMAN JONES: I am grateful that we were finally able to connect by telephone regarding H.R. 2357, the Houses of Worship Political Speech Protection Act.

I praise God for the stand that you have taken to defend the First Amendment Right of Houses of Worship. It is unjust that churches and clergymen/women are unfairly targeted when they exercise their rights as American citizens.

I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation.

Sincerely,  
Hon. Rev. FLOYD H. FLAKE, D.Min.,  
Pastor, U.S. Congressman, Retired.

TOWARD TRADITION,  
Mercer Island, WA, October 12, 2001.

DEAR CONGRESSMAN JONES: Thank you for the courageous leadership you so consistently demonstrate along with your steadfast commitment to the founding principles of our blessed country.

I feel honored to stand shoulder to shoulder with you and to offer my full support for H.R. 2357, "The Houses of Worship Political Speech Protection Act," which will revive every American's Constitutional right to free speech in all houses of religious assembly.

Along with most Americans of faith, both Christian and Jewish, I heartily applaud

your efforts and determination in promoting this crucial legislation. You perceptively recognize that this long overdue legislation is important to all religious faiths and all political parties.

Use of taxation to influence religious activity is unarguably a violation of every American's First Amendment rights, and H.R. 2357 is a step in the right direction. I hope that Congress and the President will join your campaign to revive one of the most basic principles of the American Founding, the freedom of unhindered political expression.

May our friendship continue to flower in an America moving ever closer back to our founding principles, or as I like saying, Toward Tradition.

I should mention that I am honored to be speaking this coming Tuesday night at the Adam's Mark in Charlotte for the NC Family Policy Council. I am sure you know those good people.

God bless you, your family and your efforts.

Best wishes to Joanne.

Sincerely,  
Your friend,

RABBI DANIEL LAPIN,  
President.

CORAL RIDGE MINISTRIES,  
Fort Lauderdale, FL, September 20, 2001.

Congressman WALTER JONES,  
Cannon House Office Building,  
Washington, DC.

DEAR WALTER: Congratulations on your efforts thus far in advancing HR 2357 (The Houses of Worship Political Speech Protection Act). I am very encouraged to hear about the number of cosponsors you have received and hope a great many more will join you in the days ahead.

As you know, I feel this legislation is a vitally important step in reversing a long-standing injustice, whereby free speech seems to be protected everywhere, except in the pulpits of our churches and other houses of worship. In culture like ours, which sometimes seems on moral-life support, the voice of the church and her message of reconciliation, virtue, and hope is more important now than ever before. Yet the current law (enacted by Lyndon Johnson) has effectively silenced the church. We are a poorer nation for it.

I strongly encourage our friends in the House leadership and Chairman Thomas to schedule early hearings on this important piece of legislation. I hope you will communicate these sentiments to them on my behalf.

Walter, I commend you for your forthright and courageous stance in taking on this issue. When this bill becomes law, future generations of Americans may view it—and rightly so—as an important milestone in the reformation of our culture.

Sincerely in Christ,  
D. JAMES KENNEDY, Ph.D.

FOCUS ON THE FAMILY,  
Colorado Springs, CO, August 21, 2001.

Hon. WALTER B. JONES,  
U.S. House of Representatives, Cannon House  
Office Building, Washington, DC.

DEAR REPRESENTATIVE JONES: It was a pleasure to talk with you over the phone recently. I was encouraged by your work on HR 2357, for I've been troubled by the increasing pressure on churches and other religious organizations to desist from speaking out on the moral issues of our day. It's heartening to know that the Lord has raised up those who, like yourself, are willing to take a stand and defend First Amendment rights. Our prayers will be with you and your staff as you attempt to move this important

bill through the House of Representatives. I was pleased to hear that you've already received a promising response from many of your fellow congressmen.

Thanks again for taking the time to discuss this issue with me. It was an honor to become acquainted with you—I commend you for your commitment to the Lord and dedication to your family. All the best as you persevere in the vital role in which God has placed you. Blessings!

Sincerely,

JAMES C. DOBSON, Ph.D.,  
President.

RAYMOND L. FLYNN,  
South Boston, MA, October 12, 2001.  
Congressman WALTER B. JONES,  
Congress of the United States, House of Representatives, Washington, DC.

CONGRESSMAN WALTER B. JONES: Thank you for introducing H.R. 2357, legislation guaranteeing the right of free speech to everyone. This proposed legislation is timely and appropriate. Since the events of September 11th, our country has been brought together by President Bush and many religious leaders in a public manifestation of patriotism and civic unity never experienced before in my many years in public service.

I join with other concerned Americans in supporting this legislation and would urge members of Congress to do likewise.

God bless your efforts and thank you for your courageous political and moral leadership.

Sincerely,

RAYMOND L. FLYNN,  
National President of  
Catholic Alliance,  
Former United States  
Ambassador to the Vatican, and  
Mayor of Boston.

SOUTHERN BAPTIST CONVENTION,  
ETHICS AND RELIGIOUS LIBERTY  
COMMISSION,  
Washington, DC, October 16, 2001.

Hon. WALTER JONES,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN JONES: Thank you for your leadership in introducing H.R. 2357, the "Houses of Worship Political Speech Protection Act." This bill is critical to the free exercise of religion in the United States.

H.R. 2357 is consistent with the Constitutional principle that the church should be separate from the state. The government should not have the power to define what the church believes or practices in principle or in effect. With the unbridled discretion given to the Internal Revenue Service to selectively target those it wishes to silence or threaten, this principle is not currently being protected.

Your bill will restore the proper balance by providing a "substantiality" test similar to that already applied in the area of legislation or lobbying.

The Ethics & Religious Liberty Commission believes that while the government should not restrict the activities of the church to define its mission, the church should restrict its own activities consistent with its mission. We believe that the church should speak to the current issues of the day consistent with its own doctrine and teachings. Nothing in the law or practice of government should hinder this freedom. However, we do not believe it is wise, prudent or appropriate for Baptist churches to endorse candidates.

We endorse your bill because we believe it provides an appropriate barrier to hinder the government from seeking to define the mission of the church. If it should become law, we will encourage Baptist churches to speak freely on the issues of the day (as we believe

they should already) but to refrain from formally endorsing candidates.

Because not all churches hold the particular constraints of Baptist doctrine and history, we do not expect others to apply this particular bill in the same way. However, consistent with Baptist and Constitutional principles, we believe every church should be free to be the church in the way their own doctrine dictates.

Once again, thank you for your leadership. Sincerely,

RICHARD D. LAND, D.Phil.,  
Ethics & Religious Liberty Commission,  
Southern Baptist Convention.

Let me go back to the Catholic priest in the 3rd District of North Carolina.

Why should a preacher or priest or rabbi not, if they choose to believe that the Lord has talked to them in their heart and say that I want your sermon today to be about protecting life or it could be the other side of the issue, where the preacher maybe feels that it is a pro-choice candidate that he or she feels is the right person? Whether they are pro or con on the issue, they should have the right to talk about the issue; but because this law is so vague, and I want to touch on that in just a moment, Mr. Speaker, this law is so vague that half the churches do not know what they can and cannot do when it comes to giving sermons on the biblical issues that are today the political and moral issues of the year 2002.

Mr. Speaker, I believe again that the strength of this country is that its foundation was built on Judeo-Christian principles; and if the spiritual leaders of America do not have the freedom to choose to talk about certain issues, then I think America's future is in trouble.

On the 14th of May of this year, I want to thank the gentleman from New York (Mr. HOUGHTON) and the Subcommittee on Oversight. They held a hearing on this issue, as well as the gentleman from Illinois (Mr. CRANE) has always been very interested in this issue, also. He has just taken a different approach from this bill, but what I wanted to say was that the testimony for the side in support of this law or this bill to change the law, we had Dr. D. James Kennedy fly up from Florida to speak in behalf of this bill. Then a former Member of the House, and a Democrat, who also at one time was the vice mayor of Washington, D.C., Pastor Walter Fauntroy, spoke in behalf of this legislation; and then the attorney for the American Center for Law and Justice who helped me draft this legislation, Colby May, was also one of the witnesses in behalf of this legislation.

At a later time I am going to bring to the floor testimony of two of the IRS representatives, a Mr. Miller and a Mr. Hopkins, who appeared before the Subcommittee on Oversight on that day, and I am going to just paraphrase a couple of comments they made, but I am going to come back next week and submit for the RECORD a couple of statements that they made.

First of all, they acknowledged that this was a very difficult law to enforce, when they were asked by the chairman, "How do you enforce this law?" They said that it was very difficult to do.

Secondly, what really, really got my attention is that they acknowledged that they were dependent on a third party to report the church or synagogue. Mr. Speaker, that reminds me of my days of studying the history of the forties, when the government is looking for a third party to report a violation of a law, that really, being a man of faith that I am, and a man that believes strongly in the Constitution, that really gives me trouble, to be very honest about it.

In addition, what the IRS agent said was that possibly the legislation that we have introduced would help them better understand the vagueness of the Johnson amendment. So I am very hopeful that sometime this year that we as a House will take this bill up for a debate and a discussion and a vote.

I want to, as I begin to start towards my closing, I am going to take maybe 5 or 6 more minutes, I would like to read a quote by a former Congressman, George Hansen. I believe and I stand to be corrected, he is from the State of Idaho, but he served years ago, but this is what I want to say today and to get in the RECORD. This is what Congressman Hansen said: "It is impossible to have religious freedom in any Nation where churches are licensed to the government." I am going to repeat that, Mr. Speaker, because I think what Mr. HANSEN said is absolutely correct: "It is impossible to have religious freedom in any Nation where churches are licensed to the government."

For those again, let me remind the House that if this was 1953, I would not be on this floor because, Mr. Speaker, there would not be any restrictions of speech on the churches. I have done the research, and I have found that when the churches and synagogues in this country qualified for the 501(c)(3) status, there was no restrictions at all on the speech of those churches or synagogues or mosques in this country. It is the Johnson amendment that was never debated that put the government into the churches and synagogues of this Nation, and I again believe so much in the first amendment right of each and every American citizen that certainly our spiritual leaders, should they choose to talk about the issues of the day, whether they be political issues of the day or moral issues of the day, they should have the right to do so.

Let me also use another quote, if I may, from Martin Luther. Martin Luther said: "The church must be reminded that it is neither the master nor the servant of the State but, rather, the conscience of the State." Mr. Speaker, what he is saying is that the church should not be the servant of the State. It should be the conscience of the State. How can it be the conscience of the State if the Federal Government, through the IRS, is trying to intimidate what they say?

Mr. Speaker, I am going to close in just about 2 or 3 minutes and yield back my time to the Chair, but I want to close this way by saying that I am a person who believes that this country's strength is the fact that we are a Nation under God, and those people that are opposed to this legislation, in my opinion, do not either understand the history of America and the history of the Johnson amendment, or they are for whatever reason concerned about the churches and the synagogues having the freedom, the total freedom of speech that they enjoyed in 1953, that was taken away from them in 1954.

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Mr. Speaker, with the help of my colleagues, and I thank the Democrats who have joined me in this effort, we will continue to fight this battle for returning the First Amendment to our churches and synagogues.

I want to close by a certain way I close in my district every time I speak, and that is to ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God to please bless the Members of Congress, both House and Senate, and their families. I ask God to please bless the President of the United States as he has some very difficult decisions in the days ahead of him, as we do. And I always close by saying three times, I ask God to, please, God, please, God, please, continue to bless America.

#### HONORING GENERAL BERNARD A. SCHRIEVER

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized for the remainder of the majority leader's hour, 44 minutes.

Mr. STEARNS. Mr. Speaker, I want to commend the gentleman from North Carolina (Mr. JONES) for his courageous stand, and his desire to ask for the Almighty's blessings on this country again and again.

Mr. Speaker, I rise today to honor Bernard A. Schriever, United States Air Force (retired), for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States of America.

He was born in Bremen, Germany in 1910. Bernard Schriever came to America in 1917 and became a naturalized citizen in 1923. After graduating from Texas A&M, he began his military career in 1931 as an Army artillery officer, later transferring to the Army Air Corps for flight school and flying 36 combat missions during World War II. In 1943, General Schriever became chief of staff for the Maintenance and Engineering Division of the Fifth Air Force Service Command, and then commander of the advance headquarters,

Far East Service Command, which supported theater operations from bases in Hollandia, New Guinea, Leyte, Manila, and Okinawa.

He was promoted to lieutenant colonel in August 1943 and then to full colonel in December at the young age of 33.

Following World War II, General Schriever was assigned to the position of Chief of the Scientific Liaison Section under the Deputy Chief of Staff for Materiel, Army Air Force headquarters, and while in that post, he developed planning documents that linked ongoing research and development efforts with long-range military planning.

In 1954, the Air Force's highest priority was the development of the first intercontinental ballistic missile, the Atlas, and soon thereafter development of that missile became a top national priority under the Eisenhower administration to counter the Soviet nuclear threat. At that time the Soviet Union had produced nuclear and thermonuclear bombs and was pursuing an aggressive rocket technology program culminating in the October 1957 launch and orbit of the Sputnik satellite.

General Schriever led the development of the new United States ballistic missile program and headed the Western Development Division, later called the Ballistic Missile Division, which was solely responsible for planning, programming and developing the intercontinental ballistic missile. In fact, the size and funding of the Western Development Division was actually larger than the Manhattan Project.

On December 17, 1957, the Air Force conducted the first successful test launch of an Atlas missile, and by 1963 the Strategic Air Command had deployed 13 Atlas missile squadrons with nearly 120 missiles on alert to meet the contemporary Soviet Union threat. General Schriever oversaw the simultaneous development of the Atlas missile and the intermediate-range ballistic missile, Thor, which achieved an initial operating capability in 1959. Furthermore, the more advanced Titan intercontinental ballistic missile reached initial operating capacity by April 1962. And by October of 1962, 10 Minuteman intercontinental ballistic missiles were placed in service in response to the Cuban missile crisis.

Mr. Speaker, it is nothing short of amazing that General Schriever's efforts produced, within only 8 years, four complete missile systems for the United States, each system being more advanced and more complicated than its predecessor. Both the Atlas and the Titan systems were modified and became the workhorses for America's space program, and the Atlas missile is still used as a satellite launch vehicle today.

General Schriever retired in 1966 as a four star general, and continued his service to the United States as a member of the President's Foreign Intelligence Advisory Board, the Defense Science Board, and the Ballistic Mis-

sile Defense Organization Advisory Committee. His expertise is still sought in the continuous development of America's space systems.

Walter J. Boyne, former director of the National Air and Space Museum of the Smithsonian Institution, wrote, "Today's navigational, meteorological, intelligence, and communication satellites owe their existence to the work of Schriever and his team." Furthermore, the Air Force in its official biography of General Schriever recognizes him as "the architect of the Air Force's ballistic missile and military space program."

Furthermore, the Falcon Air Force base outside of Colorado Springs was renamed the Schriever Air Force Base.

Mr. Speaker, during my service in the United States Air Force, I had the opportunity to work on many of the systems that General Schriever and his team pioneered. His name was spoken with an air of reverence, and the enormity of his accomplishments in developing a viable deterrent to the Soviet threat and ensuring American predominance in space was not lost on all of the Air Force personnel. I remember an article in Air Force News back in 1999 where General Schriever stated, "We envisioned that space would become critical to our warfighters. Even back in the 1950s when we were talking about deterrent capabilities, we believed space would become an important factor. Nowadays, thanks to space, in the first few days of a conflict, we can shut their eyes, ears and their ability to talk. Then you can apply your forces with much less risk. Just look at what happened in the Persian Gulf and the Balkans, entirely different from Korea and Vietnam. Space had everything to do with that."

General Schriever continues to uphold that premise, as he recently stated at a ceremony last month honoring space and missile pioneers when he said, "We have to be number one in space. We need to keep that position to deter that kind of capabilities to make war."

Mr. Speaker, America's dominance in space today is due in large part to the leadership, talent, and selfless service of General Bernard A. Schriever. I stand here today to state that Congress recognizes and honors him for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States.

Thank you, General Schriever. God bless you, and God bless America.

#### HONORING JOHNNY UNITAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes.

Mr. CARDIN. Mr. Speaker, I rise today to recognize the untimely death

of Johnny Unitas, whom I think everyone would agree is the greatest football quarterback of all time.

Johnny, "The Golden Arm," died Wednesday, September 11, 2002 of a heart attack at age 69. The Hall of Famer came to Baltimore from Pittsburgh to work for Bethlehem Steel at Sparrow's Point. He played for the Baltimore Colts from 1956 until 1973.

The Baltimore Sun described Johnny's legacy perfectly: "Baltimoreans fell in love with a plain-spoken, rough-hewn hero who epitomized their city of steelworkers and longshoremens." Unitas retired in 1973, holding 22 NFL records. He completed at least one touchdown pass in 47 straight games, a record that no one has even come close to matching. He did that during the years from 1956 through 1960. He led the Baltimore Colts to the NFL championship in 1958 and 1959, and the Super Bowl in 1970. Johnny Unitas was inducted into the Football Hall of Fame in 1979.

On the NFL's 50th anniversary, Johnny was voted the greatest quarterback of all times. With the aid of national television, Johnny catapulted the NFL into the public's eyes every day, driving the growing popularity of professional football.

Mr. Speaker, he was responsible for developing the national phenomenon of enjoying football the way we do today.

Johnny's trademark hunched shoulders, crew cut, black high-top cleats and stern look found a home in the heart of every Baltimorean. I was a teenager when Johnny Unitas played for the Colts. I remember fondly the days of his 18-year NFL career. More than a football player, Johnny touched the community with his devoted service to charitable causes; he was kind, warmhearted and affable.

This past week I had the opportunity to be with him at Towson University. He was continuing his community service. He never denied a person an autograph, not because he thought he was a star, but he knew that he would disappoint the youngster, or even an older person, if he would not give that person his autograph. He was always available to help in our community for charitable events.

Mr. Speaker, I ask my colleagues to join me in remembering Johnny Unitas, a legacy not only in Baltimore, but across the Nation. On the field, he will always be known as No. 19, but he will surely remain number one in our hearts. We offer our condolences to his family. We will always remember what he has meant to professional football, and what he has meant to Baltimore.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for September 11 and 12 on account of official business.

Mr. BONILLA (at the request of Mr. ARMEY) for today on account of family medical reasons.

Mr. ISSA (at the request of Mr. ARMEY) for today on account of attending President Bush's address to the opening of the U.N. General Assembly.

Mr. MCHUGH (at the request of Mr. ARMEY) for today until 11:00 a.m. on account of meetings at the White House.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. BALLENGER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

#### ADJOURNMENT

Mr. CARDIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 13, 2002, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9082. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Order Amending Marketing Agreement and Order No. 930 [Docket Nos. AO-370-A7; FV00-930-1] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9083. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate [Docket No. FV02-987-1 FR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9084. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Celery Grown in Florida; Termination of Marketing Order No. 967 [Docket No. FV98-967-1 FR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9085. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and

Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV02-916-1 FIR] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9086. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hass Avocado Promotion, Research, and Information Order [FV-01-705-FR] (RIN: 0581-AB92) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9087. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FV02-905-2 IFR] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9088. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 98-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9089. A letter from the Assistant Secretary, Department of Defense, transmitting a report on the summary of amounts for Cooperative Threat Reduction (CTR) programs in the Former Soviet Union, pursuant to Public Law 105—85 section 1409 (111 Stat. 1962); to the Committee on Armed Services.

9090. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on Nuclear-Powered Submarine Force Structure; to the Committee on Armed Services.

9091. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Recommendations from the U.S. Secretary of Defense For Additional Emergency Procurement Authority To Support Anti-Terrorism Operations"; to the Committee on Armed Services.

9092. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Performance of Security Functions [DFARS Case 2001-DO18] received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9093. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Certification of Disclosure in Companies' Quarterly and Annual Reports [RELEASE NOS. 33-8124, 34-46427, IC-25722; File No. S7-21-02] (RIN: 3235-AI54) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9094. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9095. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Criteria (RIN: 0930-AA09) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9096. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United

States Munitions List, Categories II, III, VII, XVI and XVIII; and Section 123.7 — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9097. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Certification Process [Docket No. 020509117-2195-02] (RIN: 0607-AA36) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9098. A letter from the Employee Benefits Program Manager, Department of Defense, transmitting the annual report of the Retirement Plan for Civilian Employees of United States Marine Corps Community Service Activities, The Personal and Family Readiness Division and Miscellaneous Nonappropriated Fund Instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9099. A letter from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9100. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9101. A letter from the Acting Assistant Administrator/National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Graduate Research Fellowships in the National Estuarine Research Reserve System for FY03 (RIN: 0648-ZB26) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9102. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on March 13, 2002, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

9103. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the Court for the District of Columbia Circuit; to the Committee on the Judiciary.

9104. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Removal and Revision of Regulations — received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9105. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administrator's final rule — Small Business Competitiveness Demonstration Program (RIN: 2700-AC33) received September 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9106. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-61] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9107. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on Options for Assisting Russia in the Development of Alternative Energy Sources for Seversk and Zheleznogorsk to Facilitate Cessation of Weapons-Grade Plutonium Production; jointly to the Committees on International Relations and Armed Services.

9108. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of

prospective funding obligations requiring special notification for Serbia under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

9109. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of prospective funding obligations requiring special notification for Colombia under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

9110. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2000, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 5091. A bill to increase the amount of student loan forgiveness available to qualified teachers, with an emphasis on special education teachers; with an amendment (Rept. 107-655). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 5373. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BALLENGER, and Mr. NORWOOD):

H.R. 5374. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to inform union members of their rights; to the Committee on Education and the Workforce.

By Mr. MICA (for himself, Mr. KELLER, Mr. WELDON of Florida, Mr. STEARNS, Mr. BISHOP, and Ms. BROWN of Florida):

H.R. 5375. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure public safety officers receive benefits; to the Committee on the Judiciary.

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. GOODLATTE, Mr. HANSEN, Mr. MCINNIS, and Mr. BERRY) (all by request):

H.R. 5376. A bill to enhance the authorities of the Secretary of Agriculture and the Secretary of the Interior to reduce catastrophic wildfire threats to communities and the environment; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. SERRANO, Mr. TOWNS, Mr. ISRAEL, Mr. OWENS, Mr. RANGEL, Mr. ACKERMAN, Mr. HINCHEY, Mr. WEINER, Ms. VELAZQUEZ, Mr. MCNULTY, and Mr. CROWLEY):

H.R. 5378. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. NETHERCUTT:

H.R. 5379. A bill to amend the Secure Rural Schools and Community Self-Determination Act of 2000 to clarify the treatment of title III project funds reserved by counties under such Act for purposes of disbursements under chapter 69 of title 31, United States Code; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 5380. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses that may offset ordinary income; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon:

H.R. 5381. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER:

H.R. 5382. A bill to provide for the liquidation or reliquidation of certain entries of polytetrafluoroethylene; to the Committee on Ways and Means.

By Mr. RANGEL:

H. Con. Res. 467. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. HARMAN introduced a bill (H.R. 5377) for the relief of John Castellano; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 267: Mr. WEINER.

H.R. 440: Mr. TIAHRT and Ms. VELAZQUEZ.

H.R. 638. Ms. DELAURO and Ms. ROYBAL-AL-LARD.

H.R. 854: Mr. BURTON of Indiana and Mr. FROST.

H.R. 951: Ms. JACKSON-LEE of Texas, Mr. BOEHNER, Mr. COLLINS, Mr. WEXLER, and Mr. LATHAM.

H.R. 1212: Mr. WAMP.

H.R. 1232: Mrs. CAPPs and Ms. ROYBAL-AL-LARD.

H.R. 1305: Mrs. MYRICK.

H.R. 1581: Mr. MCINNIS.

H.R. 1598: Ms. DELAURO.

H.R. 1918: Mr. MOORE and Mr. HOLT.

H.R. 2073: Mr. CARSON of Oklahoma and Ms. LOFGREN.  
H.R. 2088: Mr. BALDACCI.  
H.R. 2207: Mr. CLYBURN, Mr. KING, and Mr. OTTER.  
H.R. 2329: Mr. LARSON of Connecticut.  
H.R. 2592: Ms. ESHOO.  
H.R. 2723: Mrs. JO ANN DAVIS of Virginia.  
H.R. 2953: Mr. ENGEL.  
H.R. 3183: Mr. SANDLIN.  
H.R. 3409: Mr. GRUCCI.  
H.R. 3521: Mr. HYDE.  
H.R. 3612: Mr. WALSH, Mr. ACEVEDO-VILA, and Mr. LARSON of Connecticut.  
H.R. 3710: Mr. COOKSEY, Ms. RIVERS, Mr. CRANE, and Mr. LANTOS.  
H.R. 3897: Mr. THUNE.  
H.R. 3930: Mr. REHBERG, Mr. SANDERS, Mr. EHRLICH, Ms. SLAUGHTER, Mr. WATKINS, Mr. KIND, Mr. CASTLE, Mr. ALLEN, Mr. McNULTY, Mr. KENNEDY of Rhode Island, Ms. HOOLEY of Oregon, Mr. PAYNE, Mr. DINGELL, Mrs. DAVIS of California, Mr. WU, Ms. MCCARTHY of Missouri, Mr. HOEFFEL, Ms. BALDWIN, and Mr. BLAGOJEVICH.  
H.R. 3990: Mr. WATTS of Oklahoma.  
H.R. 3992: Mr. LUCAS of Kentucky and Mr. SULLIVAN.  
H.R. 4025: Mr. PRICE of North Carolina.  
H.R. 4548: Mr. ISRAEL, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. WYNN, Mr. EHRLICH, Mr. BALDACCI, Mr. MCGOVERN, Mr. SHIMKUS, and Mr. CARSON of Oklahoma.  
H.R. 4561: Mr. HONDA.  
H.R. 4594: Mr. THOMPSON of California.  
H.R. 4600: Mr. PUTNAM, Mr. GILLMOR, and Mr. RILEY.  
H.R. 4604: Mrs. NORTHUP.  
H.R. 4691: Mr. FLETCHER, Mr. LUCAS of Kentucky, Mr. TIAHRT, Mr. BOOZMAN, and Mr. LAHOOD.  
H.R. 4803: Ms. SANCHEZ, Mr. DEUTSCH, and Mr. SHAYS.  
H.R. 4814: Ms. HARMAN, Mr. KILDEE, and Mr. LUTHER.  
H.R. 4983: Mr. STRICKLAND, Mr. KANJORSKI, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 5073: Mr. PAYNE.  
H.R. 5250: Mr. PLATTS, Mr. BALDACCI, and Mr. MCGOVERN.  
H.R. 5274: Ms. SLAUGHTER, Ms. WATSON, and Mr. BONIOR.  
H.R. 5293: Ms. WOOLSEY, Mr. BENTSEN, Ms. WATSON, Mr. FILNER, Ms. VELAZQUEZ, Mr. BROWN of Ohio, Mr. LARSEN of Washington, Mr. WEXLER, Ms. BALDWIN, Ms. RIVERS, Mr. BLUMENAUER, Ms. LOFGREN, Mr. INSLEE, Mr. MARKEY, and Mr. FRANK.  
H.R. 5294: Mr. KUCINICH.  
H.R. 5312: Ms. SANCHEZ.  
H.R. 5340: Ms. HARMAN, Ms. LEE, Mrs. TAUSCHER, Mr. THOMAS, and Mr. GARY G. MILLER of California.  
H. Res. 499: Mr. PAYNE.