

as a result of these problems with the funding allocation.

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

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

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

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

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

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

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

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

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

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

Accordingly (at 3 o'clock and 34 minutes p.m.) the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 31 minutes p.m.

QUESTION OF PRIVILEGES OF THE HOUSE

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

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

The Clerk read the resolution, as follows:

RESOLUTION

Correcting the Record of Tuesday, January 28, 2003.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VIII, 3469, 3498). While the Chair is not aware of any precedent with regard to the accuracy of an address by the President of the United States in a joint session, the Chair rules that allegations of factual inaccuracy in the contents of a speech, as opposed to the fidelity of its transcription, whether by the President or by a Member, are matters for subsequent proper debate and do not give rise to a question of the privileges of the House. To rule otherwise would be to permit collateral challenges under the guise of a question of privilege to the factual correctness of every word uttered, whether or not alleging the unauthorized inclusion of those remarks on the RECORD.

The Chair, therefore, rules that the resolution does not constitute a question of the privileges of the House under rule IX.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. McDERMOTT. Is the effect of your ruling that whatever the President says must be considered correct since we have no chance to debate him, we have no chance to question him?

The SPEAKER pro tempore. The Chair has ruled that debate over the next weeks or months in the House can go to the question of the factual accuracy of the previous statements of the President; but it would not be proper to do so in this type of resolution or in this form.

Mr. McDERMOTT. So the body does not have a way to deal with the statements made in the State of the Union message? We must accept it, and there it is?

The SPEAKER pro tempore. The House has the right and the responsibility to respond to the President's address during subsequent debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 356, by the yeas and nays;

H. Res. 400, by the yeas and nays; and H.R. 3288, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932-1933

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 356.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 563]

YEAS—382

Abercrombie	DeGette	Jackson-Lee
Aderholt	DeLauro	(TX)
Akin	DeLay	Janklow
Alexander	DeMint	Jefferson
Allen	Deutsch	Jenkins
Andrews	Diaz-Balart, L.	John
Baca	Diaz-Balart, M.	Johnson (CT)
Bachus	Dicks	Johnson (IL)
Baird	Dingell	Johnson, E. B.
Baker	Dooley (CA)	Johnson, Sam
Baldwin	Doyle	Jones (NC)
Ballance	Dreier	Jones (OH)
Ballenger	Duncan	Kanjorski
Barrett (SC)	Dunn	Kaptur
Bartlett (MD)	Edwards	Keller
Bass	Ehlers	Kelly
Beauprez	Emanuel	Kennedy (MN)
Bereuter	Emerson	Kennedy (RI)
Berkley	Engel	Kildee
Berman	English	Kilpatrick
Berry	Eshoo	Kind
Biggert	Etheridge	King (IA)
Bilirakis	Evans	King (NY)
Bishop (GA)	Everett	Kingston
Bishop (NY)	Farr	Kirk
Bishop (UT)	Feeney	Klecicka
Blackburn	Ferguson	Kline
Blumenauer	Filner	Knollenberg
Blunt	Flake	Kolbe
Boehlert	Foley	Kucinich
Boehner	Forbes	Lampson
Bonilla	Fossella	Langevin
Bonner	Frank (MA)	Lantos
Bono	Franks (AZ)	Larsen (WA)
Boozman	Frelinghuysen	Larson (CT)
Boswell	Frost	Latham
Boucher	Garrett (NJ)	LaTourette
Boyd	Gerlach	Lee
Bradley (NH)	Gibbons	Levin
Brady (TX)	Gilchrest	Lewis (CA)
Brown (OH)	Gillmor	Lewis (KY)
Brown (SC)	Gonzalez	Linder
Brown-Waite,	Goode	Lipinski
Ginny	Goodlatte	LoBiondo
Burgess	Gordon	Lofgren
Burns	Goss	Lowey
Burton (IN)	Granger	Lucas (KY)
Buyer	Graves	Lynch
Calvert	Green (TX)	Majette
Camp	Green (WI)	Maloney
Cannon	Greenwood	Markey
Cantor	Grijalva	Matheson
Capito	Gutknecht	Matsui
Capuano	Hall	McCarthy (MO)
Cardin	Harris	McCollum
Cardoza	Hart	McCotter
Carson (IN)	Hastings (FL)	McCrery
Carter	Hastings (WA)	McDermott
Castle	Hayes	McGovern
Chabot	Hayworth	McHugh
Chocola	Hefley	McInnis
Clyburn	Hensarling	McIntyre
Cole	Herger	McKeon
Collins	Hill	McNulty
Conyers	Hinchev	Meehan
Cooper	Hinojosa	Meek (FL)
Costello	Hobson	Meeks (NY)
Cox	Hoekstra	Menendez
Cramer	Holden	Mica
Crane	Holt	Michaud
Crenshaw	Honda	Millender-
Crowley	Hooley (OR)	McDonald
Cubin	Hostettler	Miller (FL)
Culberson	Houghton	Miller (MI)
Cummings	Hoyer	Miller (NC)
Cunningham	Hulshof	Miller, Gary
Davis (AL)	Hunter	Miller, George
Davis (CA)	Hyde	Mollohan
Davis (IL)	Inslee	Moore
Davis (TN)	Isakson	Moran (KS)
Davis, Jo Ann	Israel	Moran (VA)
Davis, Tom	Issa	Murphy
Deal (GA)	Istook	Murtha
DeFazio	Jackson (IL)	Musgrave

Myrick	Rogers (AL)	Stupak
Nadler	Rogers (MI)	Sullivan
Napolitano	Rohrabacher	Sweeney
Nethercutt	Ros-Lehtinen	Tancred
Neugebauer	Ross	Tanner
Ney	Rothman	Tauscher
Norwood	Royce	Tauzin
Nunes	Ruppersberger	Taylor (NC)
Nussle	Rush	Terry
Oberstar	Ryan (OH)	Thomas
Obey	Ryan (WI)	Thompson (CA)
Olver	Ryun (KS)	Thompson (MS)
Ortiz	Sabo	Thornberry
Osborne	Sanchez, Linda	Tiahrt
Ose	T.	Tiberi
Otter	Sanchez, Loretta	Tierney
Oxley	Sanders	Toomey
Pallone	Sandlin	Towns
Pascarella	Saxton	Turner (OH)
Pastor	Schakowsky	Turner (TX)
Paul	Schiff	Udall (CO)
Payne	Schrock	Udall (NM)
Pearce	Scott (GA)	Upton
Pelosi	Scott (VA)	Van Hollen
Pence	Sensenbrenner	Velazquez
Peterson (MN)	Serrano	Walden (OR)
Peterson (PA)	Shadegg	Walsh
Petri	Shaw	Wamp
Pickering	Shays	Waters
Pitts	Sherman	Watson
Platts	Sherwood	Watt
Pombo	Shimkus	Waxman
Pomeroy	Shuster	Weldon (FL)
Porter	Simmons	Weldon (PA)
Portman	Skelton	Weller
Price (NC)	Smith (MI)	Wicker
Quinn	Smith (NJ)	Wilson (NM)
Radanovich	Smith (TX)	Wilson (SC)
Rahall	Smith (WA)	Wolf
Rangel	Snyder	Woolsey
Regula	Solis	Wu
Rehberg	Souder	Wynn
Renzi	Spratt	Young (AK)
Reynolds	Stearns	Young (FL)
Rodriguez	Strickland	

NOT VOTING—52

Ackerman	Ford	Putnam
Barton (TX)	Gallegly	Ramstad
Becerra	Gephardt	Reyes
Bell	Gingrey	Rogers (KY)
Brady (PA)	Gutierrez	Roybal-Allard
Brown, Corrine	Harman	Sessions
Burr	Hoefl	Simpson
Capps	LaHood	Slaughter
Carson (OK)	Leach	Stark
Case	Lewis (GA)	Stenholm
Clay	Lucas (OK)	Taylor (MS)
Coble	Manzullo	Visclosky
Davis (FL)	Marshall	Vitter
Delahunt	McCarthy (NY)	Weiner
Doggett	Neal (MA)	Wexler
Doolittle	Northup	Whitfield
Fattah	Owens	
Fletcher	Pryce (OH)	

□ 1858

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 400, as amended.

The Clerk read the title of the resolution.