Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—34

Andrews
Ballenger
Bilirakis
Boehlert
Brady (TX)
Cannon
Chandler
Clay
Conyers
Culberson
Engel
Flake
Grijalva
Hobson
John
Jones (OH)
Kleczka
Kolbe
Lampson
Lewis (CA)
McCarthy (NY)
McInnis
Mollohan
Nethercutt
Norwood
Owens
Payne
Putnam
Ryan (OH)
Schrock
Simmons
Tauzin
Udall (CO)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1152

Mr. DOOLEY of California and Ms. CORRINE BROWN of Florida changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5006, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5006.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer today the fiscal year 2005 appropriations bill for the Departments of Labor, Health and Human Services, Education and related agencies. By taking into consideration the priorities of the President and the Members, all the Members of this House, we have produced a bill that meets the needs of all Americans. This bill affects the lives, in one way or another, of every American.

We are appreciative of the efforts of the leaders of the House and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), to provide a workable allocation for this bill. I am pleased to say that this bill was unanimously approved on a bipartisan basis in both the subcommittee and the full committee. I would also like to acknowledge the hard work, dedication, and expertise of my subcommittee staff, as well as the minority staff, in putting together this bill.

Mr. Chairman, this bill is about hope. It gives hope to every child seeking a good education, it gives hope to everyone searching for a good or better job than they have, and it gives hope to the ill seeking a cure.

This bill provides $142.5 billion—that is $500 for every person in the United States of America—a 2.2 percent increase over fiscal year 2004, for over 500 different discretionary programs. It is responsible, it is fair, and it is balanced.

Let me first talk about education. I would like to discuss what this bill provides for education. Education is essential to the preservation of democracy, and an investment in education is an investment in human capital and an investment in the future of this great Nation.

Mr. Chairman, Federal education spending has more than doubled since fiscal year 1996, from $23 billion to nearly $60 billion today. We have focused spending in this bill in the key areas that most directly improve our children's education.

First and foremost, I believe that no child will be left behind if he or she has a quality and dedicated teacher. Almost every teacher in our Nation's classrooms today is there for one reason: They love children and want to help them reach their full potential, and that should be their goal.

We applaud their hard work and dedication, and we support them in this bill by providing funding to encourage people to enter the field of teaching and to strengthen and maximize the skills of those already in the classroom.

I would urge young people that are thinking about a career to give consideration to being in a classroom, where they can touch the lives of children. Often when I speak to large groups out in the district, I say, how many of you had a teacher that has made a difference in your life? Almost every hand in the room goes up.

This bill also supports teachers and students by increasing funding for Title I by $1 billion. Title I provides the additional resources to low-income schools to help principals, teachers and students close education achievement gaps. At the school level, Title I helps provide additional staff, ongoing training and the latest research, computer equipment, books or new curricula offerings that, coupled with strong accountability efforts, helps disadvantaged children meet the same high standards as their more advantaged peers.

In addition to the funding increases in Title I, this bill also increases funding for scientifically based reading programs so that all children can read well by the end of the third grade. In 3 short years, funding for reading programs has tripled to over $1.3 billion, tripled, and importantly so. Reading is the key. This investment will assist parents, teachers and school districts in meeting the reading challenges of our children.

Mr. Chairman, many of my colleagues speak with me about the financial demands of special education on

their local school districts. We also hear from parents about the need to support adequate special education funding to ensure their special-needs children receive a quality and equal education opportunity.

In this bill, funding for special education totals over $11 billion, a nearly 380 percent increase since fiscal year 1996, and $1 billion more than last year.

Title III programs are designed to strengthen institutions of higher education that serve a high percentage of minority students and students from low-income backgrounds. I want to point out that in fiscal year 2005, funding to Title III programs is at $519 million, and this, combined with the funding for Howard University and other historically black colleges and universities financing programs, our commitment to minority serving institutions exceeds $975 million.

□ 1200

The sharp rise in college costs continues to be a barrier to many students. Pell grants help ensure access to postsecondary education for low and middle-income undergraduate students by providing grants that help meet college education needs. The bill continues to support a maximum Pell grant level of $4,050, while also including $12.9 billion for Pell grants, an increase of $823 million over last year.

Health and Human Services.

If you have good health, you have hope; and if you have hope, you have everything. Health care is a critical part of our Nation's economic development. To assist in protecting the health of all Americans, and to provide essential human services, the bill provides the Department of Health and Human Services over $62 billion for fiscal year 2005.

Mr. Chairman, similar to the Department of Education, we have more than doubled the funding for HHS since fiscal year 1996: $28.9 billion in fiscal year 1996 to $62.2 billion for fiscal year 2005. I think that is a tremendous increase under the circumstances, but will meet real needs.

At the forefront of new progress in medicine, the National Institutes of Health supports and conducts medical research to understand how the human body works and to gain insight into countless diseases and disorders. As a result of our commitment to NIH, our citizens are living longer and better lives. Life expectancy at birth was only 47 years in 1900. By 2000, it was almost 77 years, and my colleagues heard me say earlier that Dr. Zerhouni testified that every 5 years, life expectancy goes up a year.

In every state across the country, the NIH supports research at hospitals, universities, and medical schools. The 5-year doubling of the NIH budget completed in fiscal year 2003 has picked up the pace of discovery and heightened public expectations. We now expect NIH to carefully examine its portfolio and continue to be a good steward of the public's investment. Funding for NIH has increased by over $700 million, bringing its total budget to $28.5 billion. In that regard I might say that we looked at all the programs and said, is this producing results so that we could use the money as good stewards and as wisely as possible for the 280 million Americans.

All of the information and advances we have gained from NIH, however, will be useless if they do not make their way to health care providers and individuals, those most responsible for their own health. Thus, the work of the Centers for Disease Control and prevention is critical to protecting the health and safety of people at home and abroad.

Recognizing the tremendous challenges faced by CDC, we have provided over $915 million for the prevention and control of chronic diseases such as diabetes, cancer, heart disease, arthritis and tobacco use, and $640 million for immunizations. CDC's total allocation for fiscal year 2005 includes nearly $4.5 billion.

Mr. Chairman, health centers operating at the community level provide regular access to high-quality, family-oriented, comprehensive primary and preventive health care, regardless of ability to pay, and improves the health status of underserved populations living in inner city and rural areas. These funds provided in our bill, $1.8 billion, an increase of $218 million over last year, are expected to serve 14.8 million patients in fiscal year 2005—83 percent more than in fiscal year 1996. These are important to a lot of people. They are important to emergency rooms, because it gives people a place to go as an alternative.

Children's hospitals across the Nation are the training grounds for our pediatricians and pediatric specialists. Many of these hospitals are regional and national referral centers for very sick children, often serving as the only source of care for many critical pediatric services. The bill provides over $303 million to train these important caregivers who care for America's youngest population, its children.

The Ryan White AIDS Drug Assistance Program funding is increased by over $35 million, bringing its total to over $800 million. The increase in funding assists those infected with the virus and receiving vital medication through the drug assistance program. Overall, the Ryan White AIDS programs are funded at more than $2 billion.

The Centers for Medicare and Medicaid Services is the Federal agency responsible for overseeing Medicare, Medicaid, and the State Children's Health Insurance Program. CMS is the largest purchaser of health care in the world and second only to Social Security in the level of Federal spending. And while the mandatory funding for CMS programs comes through the Committee on Ways and Means, this bill provides the costs for their administrative functions. Funding for CMS is at $2.7 billion, an increase of more than $100 million. That is important, because it will speed up processing of claims for people in Medicare, Medicaid, and so on.

Infant mortality rates in certain segments of our population are at least 1½ times the national average. We have provided over $97 million for the Healthy Start Program, which uses community-designed and evidence-supported strategies aimed at reducing infant mortality.

Our commitment to a child's well-being does not rest with Healthy Start. We have provided nearly $6.9 billion for Head Start, a program designed primarily for preschoolers from low-income families.

The Adoption Incentive Program has been successful in contributing to substantial increases in adoptions in recent years. Between fiscal year 1998 and fiscal year 2002, a total of 236,000 children were adopted. Think what that means. They got a home. They got a family, Mr. Chairman. 236,000! While the overall number of children being adopted has grown dramatically, some children needing permanent homes remain less likely to be adopted. This bill provides $32 million for the Adoption Incentives Program so that States may continue their efforts to increase the number of children adopted by caring families.

Additional support for the President's initiatives in this bill include: $55 million for the Compassion Capital Fund, which helps faith-based and community organizations increase their effectiveness and enhance their ability to provide social services to those most in need. Mr. Chairman, $129 million for violent crime reduction programs; $110 million for abstinence education, an increase of nearly $35 million over the fiscal year 2004 level.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling and provides protection to our most vulnerable populations: the elderly, households with small children, and persons with disabilities. The funds are distributed to the States through a formula grant program, and we have provided $2 billion for fiscal year 2005, an increase of $110 million over the fiscal year 2004 level. In addition, $227 million is included for the weatherization program.

Mr. Chairman, our society is judged not only by the care we provide to our young, but also by how we treat the elderly. This bill provides over $1.4 billion to the Administration on Aging to enhance health care, nutrition, and social supports to seniors and their family caregivers.

In the labor area.

We ought to support the aspirations of people: good health, security, meaningful work, creative and intellectual pursuits. The Department of Labor plays a key role in many important worker-training and protection programs. Therefore, we have restored

funding to core job training and employment assistance programs.

A number of communities continue to experience plant closings and other layoffs, and we understand the need to support dislocated worker-training programs that can assist workers to return to gainful employment. In this bill, we restore funding for dislocated worker-assistance programs to nearly $1.5 billion, $25 million over fiscal year 2004, and an increase of over $96 million above the budget request.

This bill includes $19 million for a Homeless Veterans Reintegration program to operate employment programs that reach out to homeless veterans and help them become employed.

Worker-protection programs, including OSHA and MSHA, are funded at $462 million and $276 million, respectively.

The Social Security Administration receives its mandatory allocation through the Committee on Ways and Means; this bill provides the funding for their administrative costs. Effective administration of this agency ensures efficient services to recipients. We have included $485 million, an increase in the funding for the Social Security Administration to improve delivery of benefits and expedite the processing of disability claims. I am sure all of my colleagues have experienced this, where people very much need the funding and to get their disability claims taken care of, and we recognize that; and we have added money so that we can speed up the process.

Mr. Chairman, much more could be said about this bill which touches every American at some point in life. We are mindful of the fiscal limitations of our bill and have tried to use the allocation to fund our highest priorities.

The French philosopher de Touqueville came to America in the 1800s and wanted to see what makes this country different, and he observed, ''America is great because she is good. If America ceases to be good, America will cease to be great.''

This bill is about the goodness of America. This bill is a perfect example of how the taxpayers of this country are providing funds to help others. It is a perfect example of caring for each other, and I think that is very much a part of the goodness of America. As I stated earlier, this bill is about hope. Someone once said, ''Hope deferred makes the heart sick, but a desire fulfilled is a tree of life.'' We give hope to people who want better education. We give hope to people who want better health, and we give hope to those who are seeking retraining in order to get a job. This is very important in what this bill does for the people of this Nation. I think the people desire a good education, they desire meaningful jobs, and they desire good health.

Mr. Chairman, this bill does its best, within the constraints of what we had available, to meet the American people's needs. It is responsible, it is fair, and it is balanced. I ask my colleagues to support it.

Mr. Chairman, at this time I will submit a detailed table of the bill into the RECORD.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	186,891	188,000	188,000	+1,109	---
Advance from prior year	(707,799)	(712,000)	(712,000)	(+4,201)	---
FY 2006	712,000	712,000	712,000	---	---
Adult Training	898,891	900,000	900,000	+1,109	---
Youth Training	995,059	1,000,965	1,000,965	+5,906	---
Dislocated Worker Assistance, current year	330,192	251,669	330,192	---	+78,523
Advance from prior year	(842,997)	(848,000)	(848,000)	(+5,003)	---
FY 2006	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,178,192	1,099,669	1,178,192	---	+78,523
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	64,227	71,371	89,227	+25,000	+17,856
Advance from prior year	(210,749)	(212,000)	(212,000)	(+1,251)	---
FY 2006	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	276,227	283,371	301,227	+25,000	+17,856
Total, Dislocated Worker Assistance	1,454,419	1,383,040	1,479,419	+25,000	+96,379
Native Americans	54,675	55,000	54,675	---	-325
Migrant and Seasonal Farmworkers	76,370	---	76,370	---	+76,370
Job Corps:					
Operations	820,114	859,966	845,000	+24,886	-14,966
Advance from prior year	(587,513)	(591,000)	(591,000)	(+3,487)	---
FY 2006	591,000	591,000	591,000	---	---
Construction and Renovation	30,038	6,321	6,321	-23,717	---
Advance from prior year	(99,410)	(100,000)	(100,000)	(+590)	---
FY 2006	100,000	100,000	100,000	---	---
Subtotal, Job Corps, program level	1,541,152	1,557,287	1,542,321	+1,169	-14,966
National Activities:					
Pilots, Demonstrations and Research	57,751	30,000	48,474	-9,277	+18,474
Responsible Reintegration of Youthful Offender	49,705	50,000	---	-49,705	-50,000
Evaluation	8,986	8,000	8,000	-986	---
Prisoner Re-entry	---	40,000	---	---	-40,000
Community College initiative	---	250,000	---	---	-250,000
Personal reemployment accounts	---	50,000	---	---	-50,000
Denali Commission	4,970	---	---	-4,970	---
Other	3,486	2,000	2,504	-982	+504
Subtotal, National activities	124,898	430,000	58,978	-65,920	-371,022
Subtotal, Federal activities	2,073,322	2,325,658	2,033,571	-39,751	-292,087
Current Year	1,170,322	1,422,658	1,130,571	-39,751	-292,087
FY 2006	903,000	903,000	903,000	---	---
Total, Training and Employment Services	5,145,464	5,326,292	5,112,728	-32,736	-213,564
Current Year	(2,682,464)	(2,863,292)	(2,649,728)	(-32,736)	(-213,564)
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	---	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	438,650	440,200	440,200	+1,550	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,338,200	1,057,300	1,057,300	-280,900	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,608,653	2,700,714	2,690,714	+82,061	-10,000
National Activities	9,876	10,500	10,500	+624	---
Subtotal, Unemployment Compensation	2,618,529	2,711,214	2,701,214	+82,685	-10,000
Employment Service:					
Allotments to States:					
Federal Funds	23,163	23,300	23,300	+137	---
Trust Funds	763,724	672,700	672,700	-91,024	---
Subtotal	786,887	696,000	696,000	-90,887	---
ES National Activities	63,971	67,000	67,000	+3,029	---
Subtotal, Employment Service	850,858	763,000	763,000	-87,858	---
Federal Funds	23,163	23,300	23,300	+137	---
Trust Funds	827,695	739,700	739,700	-87,995	---
One-Stop Career Centers/Labor Market Information	98,764	99,350	98,764	---	-586
Work Incentives Grants	19,753	19,870	19,870	+117	---
Total, State Unemployment & Employment Srvcs	3,587,904	3,593,434	3,582,848	-5,056	-10,586
Federal Funds	141,680	142,520	141,934	+254	-586
Trust Funds	3,446,224	3,450,914	3,440,914	-5,310	-10,000
ADVANCES TO THE UI AND OTHER TRUST FUNDS 1/	467,000	517,000	517,000	+50,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	38,382	39,380	38,382	---	-998
Trust Funds	6,814	6,980	6,814	---	-166
Youth Employment and Training	39,009	40,133	39,009	---	-1,124
Employment Security	5,948	6,146	5,948	---	-198
Trust Funds	48,624	55,722	48,624	---	-7,098
Apprenticeship Services	20,760	21,405	20,760	---	-645
Executive Direction	8,400	8,718	6,900	-1,500	-1,818
Trust Funds	2,041	2,158	2,041	---	-117
Welfare to Work	2,371	376	376	-1,995	---
Total, Program Administration	172,349	181,018	168,854	-3,495	-12,164
Federal Funds	114,870	116,158	111,375	-3,495	-4,783
Trust Funds	57,479	64,860	57,479	---	-7,381
Total, Employment and Training Administration	11,149,567	11,115,244	10,878,930	-270,637	-236,314
Federal Funds	7,645,864	7,599,470	7,380,537	-265,327	-218,933
Current Year	(5,182,864)	(5,136,470)	(4,917,537)	(-265,327)	(-218,933)
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust Funds	3,503,703	3,515,774	3,498,393	-5,310	-17,381

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
Enforcement and Participant Assistance	102,730	110,330	110,330	+7,600	---
Policy and Compliance Assistance	16,907	17,497	17,497	+590	---
Executive Leadership, Program Oversight & Admin	4,403	4,518	4,518	+115	---
Total, EBSA	124,040	132,345	132,345	+8,305	---
PENSION BENEFIT GUARANTY CORPORATION					
Pension insurance activities	---	(12,211)	(12,211)	(+12,211)	---
Pension plan termination	---	(169,739)	(169,739)	(+169,739)	---
Operational support	---	(84,380)	(84,380)	(+84,380)	---
Program Adm. subject to limitation (TF)	20,553	---	---	-20,553	---
Termination services not subject to limitation (NA)	(212,219)	---	---	(-212,219)	---
Total, PBGC	20,553	---	---	-20,553	---
Total, PBGC (Program level)	(232,772)	(266,330)	(266,330)	(+33,558)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	160,096	165,933	165,933	+5,837	---
Office of Labor-Management Standards	38,580	43,545	43,545	+4,965	---
Federal Contractor EEO Standards Enforcement	79,442	82,078	79,442	---	-2,636
Federal Programs for Workers' Compensation	96,754	99,528	96,754	---	-2,774
Trust Funds	2,021	2,058	2,021	---	-37
Program Direction and Support	15,123	16,152	15,123	---	-1,029
Total, ESA salaries and expenses	392,016	409,294	402,818	+10,802	-6,476
Federal Funds	389,995	407,236	400,797	+10,802	-6,439
Trust Funds	2,021	2,058	2,021	---	-37
SPECIAL BENEFITS					
Federal employees compensation benefits	160,000	230,000	230,000	+70,000	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	163,000	233,000	233,000	+70,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	390,848	270,806	270,806	-120,042	---
Administration	6,143	5,194	5,194	-949	---
Subtotal, Black Lung, FY 2005 program level	396,991	276,000	276,000	-120,991	---
Less funds advanced in prior year	-97,000	-88,000	-88,000	+9,000	---
Total, Black Lung, current request, FY 2005	299,991	188,000	188,000	-111,991	---
New advances, 1st quarter FY 2006	88,000	81,000	81,000	-7,000	---
Total, Special Benefits for Disabled Coal Miners	387,991	269,000	269,000	-118,991	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND					
Program Benefits	(221,000)	(221,000)	(221,000)	---	---
Administrative Expenses	51,651	40,821	40,821	-10,830	---
Total, Energy Emp Occupational Illness Comp Fund	51,651	40,821	40,821	-10,830	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	998,901	1,001,951	1,001,951	+3,050	---
Employment Standards Adm. S&E	32,004	32,646	32,646	+642	---
Departmental Management S&E	23,401	23,705	23,705	+304	---
Departmental Management, Inspector General	338	342	342	+4	---
Subtotal, Black Lung Disability	1,054,644	1,058,644	1,058,644	+4,000	---
Treasury Administrative Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,055,000	1,059,000	1,059,000	+4,000	---
Total, Employment Standards Administration	2,049,658	2,011,115	2,004,639	-45,019	-6,476
Federal Funds	2,047,637	2,009,057	2,002,618	-45,019	-6,439
Current year	(1,959,637)	(1,928,057)	(1,921,618)	(-38,019)	(-6,439)
FY 2006	(88,000)	(81,000)	(81,000)	(-7,000)	---
Trust Funds	2,021	2,058	2,021	---	-37
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	15,920	16,132	16,132	+212	---
Federal Enforcement	166,015	171,020	171,020	+5,005	---
State Programs	91,959	91,747	91,747	-212	---
Technical Support	21,593	20,909	20,909	-684	---
Compliance Assistance:					
Federal Assistance	67,049	71,430	71,430	+4,381	---
State Consultation Grants	52,211	53,792	53,792	+1,581	---
Training Grants	10,510	4,000	4,000	-6,510	---
Subtotal, Compliance Assistance	129,770	129,222	129,222	-548	---
Safety and Health Statistics	22,237	22,382	22,382	+145	---
Executive Direction and Administration	10,047	10,187	10,187	+140	---
Total, OSHA	457,541	461,599	461,599	+4,058	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	115,339	114,889	114,889	-450	---
Metal/Non-Metal Enforcement	65,985	66,782	66,782	+797	---
Standards Development	2,326	2,333	2,333	+7	---
Assessments	4,170	5,280	5,280	+1,110	---
Educational Policy and Development	30,356	31,507	31,507	+1,151	---
Technical Support	24,545	25,064	25,064	+519	---
Program evaluation and information resources (PEIR)	13,963	17,666	17,666	+3,703	---
Program Administration	12,173	12,046	12,046	-127	---
Total, Mine Safety and Health Administration	268,857	275,567	275,567	+6,710	---
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	160,431	164,026	164,026	+3,595	---
Labor Market Information (Trust Funds)	74,667	78,473	78,473	+3,806	---
Prices and Cost of Living	166,344	170,736	170,736	+4,392	---
Compensation and Working Conditions	77,614	79,827	79,827	+2,213	---
Productivity and Technology	10,294	10,588	10,588	+294	---
Executive Direction and Staff Services	29,146	29,868	29,868	+722	---
Total, Bureau of Labor Statistics	518,496	533,518	533,518	+15,022	---
Federal Funds	443,829	455,045	455,045	+11,216	---
Trust Funds	74,667	78,473	78,473	+3,806	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	47,024	47,555	47,555	+531	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	27,084	33,206	27,084	---	-6,122
Departmental IT Crosscut	48,219	33,565	30,000	-18,219	-3,565
Departmental Management Crosscut	4,965	10,100	5,000	+35	-5,100
Legal Services	80,412	84,007	80,412	---	-3,595
Trust Funds	314	322	314	---	-8
International Labor Affairs	109,862	30,545	35,545	-74,317	+5,000
Administration and Management	33,153	32,675	32,675	-478	---
Frances Perkins building security enhancements	---	15,000	7,000	+7,000	-8,000
Adjudication	25,872	26,683	25,872	---	-811
Women's Bureau	9,201	9,554	9,554	+353	---
Civil Rights Activities	6,114	6,287	6,287	+173	---
Chief Financial Officer	5,123	5,224	5,224	+101	---
Total, Salaries and expenses	350,319	287,168	264,967	-85,352	-22,201
Federal Funds	350,005	286,846	264,653	-85,352	-22,193
Trust Funds	314	322	314	---	-8

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
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	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
VETERANS EMPLOYMENT AND TRAINING					
State administration, Grants	161,408	162,415	162,415	+1,007	---
Federal Administration	28,857	29,683	29,683	+826	---
National Veterans Training Institute	1,988	2,000	2,000	+12	---
Homeless Veterans Program	18,888	19,000	19,000	+112	---
Veterans Workforce Investment Programs	7,505	7,550	7,550	+45	---
Total, Veterans Employment and Training	218,646	220,648	220,648	+2,002	---
Federal Funds	26,393	26,550	26,550	+157	---
Trust Funds	192,253	194,098	194,098	+1,845	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	59,643	64,029	64,029	+4,386	---
Trust Funds	5,696	5,561	5,561	-135	---
Total, Office of the Inspector General	65,339	69,590	69,590	+4,251	---
Federal funds	59,643	64,029	64,029	+4,386	---
Trust funds	5,696	5,561	5,561	-135	---
Total, Departmental Management	634,304	577,406	555,205	-79,099	-22,201
Federal Funds	436,041	377,425	355,232	-80,809	-22,193
Trust Funds	198,263	199,981	199,973	+1,710	-8
WORKING CAPITAL FUND					
Working capital fund	13,768	25,000	10,000	-3,768	-15,000
Total, Title I, Department of Labor	15,283,808	15,179,349	14,899,358	-384,450	-279,991
Federal Funds	11,484,601	11,383,063	11,120,498	-364,103	-262,565
Current Year	(8,933,601)	(8,839,063)	(8,576,498)	(-357,103)	(-262,565)
FY 2006	(2,551,000)	(2,544,000)	(2,544,000)	(-7,000)	---
Trust Funds	3,799,207	3,796,286	3,778,860	-20,347	-17,426

Title I Footnotes:
1/ Two year availability.

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(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,617,381	1,835,925	1,835,925	+218,544	---
Free Clinics Medical Malpractice	4,821	4,821	---	-4,821	-4,821
National Health Service Corps:					
Field placements	45,506	45,735	45,506	---	-229
Recruitment	124,397	159,132	124,397	---	-34,735
Subtotal, National Health Service Corps	169,903	204,867	169,903	---	-34,964
Health Professions					
Training for Diversity:					
Centers of excellence	33,882	---	33,882	---	+33,882
Health careers opportunity program	35,935	---	35,935	---	+35,935
Faculty loan repayment	1,313	---	1,313	---	+1,313
Scholarships for disadvantaged students	47,510	9,897	47,510	---	+37,613
Subtotal, Training for Diversity	118,640	9,897	118,640	---	+108,743
Training in Primary Care Medicine and Dentistry	81,742	---	63,857	-17,885	+63,857
Interdisciplinary Community-Based Linkages:					
Area health education centers	29,206	---	29,206	---	+29,206
Health education and training centers	3,851	---	3,851	---	+3,851
Allied health and other disciplines	11,849	---	11,849	---	+11,849
Geriatric programs	31,805	---	31,805	---	+31,805
Quentin N. Burdick pgm for rural training	6,126	---	2,255	-3,871	+2,255
Subtotal, Interdisciplinary Comm. Linkages	82,837	---	78,966	-3,871	+78,966
Health Professions Workforce Info & Analysis	722	999	---	-722	-999
Public Health Workforce Development:					
Public health, preventive med. & dental pgms	9,170	---	6,970	-2,200	+6,970
Health administration programs	1,079	---	1,045	-34	+1,045
Subtotal, Public Health Workforce Development	10,249	---	8,015	-2,234	+8,015
Nursing Programs:					
Advanced Education Nursing	58,636	43,637	53,634	-5,002	+9,997
Nurse education, practice, and retention	31,768	41,765	36,765	+4,997	-5,000
Nursing workforce diversity	16,402	21,399	16,402	---	-4,997
Loan repayment and scholarship program	26,736	31,738	31,738	+5,002	---
Comprehensive geriatric education	3,478	3,478	3,478	---	---
Nursing faculty loan program	4,870	4,870	4,870	---	---
Subtotal, Nursing programs	141,890	146,887	146,887	+4,997	---
Subtotal, Health Professions	436,080	157,783	416,365	-19,715	+258,582
Other HRSA Programs:					
Hansen's Disease Services	17,413	17,413	17,413	---	---
Maternal & Child Health Block Grant	729,817	729,817	729,817	---	---
Healthy Start	97,751	97,751	97,751	---	---
Universal Newborn Hearing	9,872	---	9,872	---	+9,872
Organ Transplantation	24,632	24,632	24,632	---	---
Cord Blood Stem Cell Bank	9,941	9,941	---	-9,941	-9,941
Bone Marrow Program	22,662	22,662	25,662	+3,000	+3,000
Rural outreach grants	39,601	11,098	30,124	-9,477	+19,026
Rural Health Research	8,902	8,902	8,902	---	---
Telehealth	3,949	3,949	3,949	---	---
Rural Hospital Flexibility Grants	39,499	---	32,500	-6,999	+32,500
Rural and community access to emergency devices	10,933	2,015	5,000	-5,933	+2,985
Rural EMS	497	---	---	-497	---

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	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
State Offices of Rural Health	8,390	8,390	8,390	---	---
Denali Commission	34,793	22,000	---	-34,793	-22,000
Emergency medical services for children	19,860	19,860	19,860	---	---
Poison control	23,696	23,696	23,696	---	---
Traumatic Brain Injury	9,375	9,375	9,375	---	---
Black lung clinics	5,963	5,963	5,963	---	---
Trauma Care	3,449	---	3,449	---	+3,449
Payment to Hawaii, treatment of Hansen's	2,033	2,033	2,033	---	---
Other HRSA programs	1,123,028	1,019,497	1,058,388	-64,640	+38,891
Ryan White AIDS Programs:					
Emergency Assistance	615,023	615,023	615,023	---	---
Comprehensive Care Programs	1,105,900	1,120,900	1,140,900	+35,000	+20,000
AIDS Drug Assistance Program (ADAP) (NA)	(768,872)	(783,872)	(803,872)	(+35,000)	(+20,000)
Early Intervention Program	197,170	197,170	197,170	---	---
Pediatric HIV/AIDS	73,108	73,108	73,108	---	---
AIDS Dental Services	13,325	13,325	13,325	---	---
Education and Training Centers	35,335	35,335	35,335	---	---
Subtotal, Ryan White AIDS programs	2,039,861	2,054,861	2,074,861	+35,000	+20,000
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	---	---
Subtotal, Ryan White AIDs program level	2,064,861	2,079,861	2,099,861	+35,000	+20,000
Family Planning	278,283	278,283	278,283	---	---
Children's Hospitals Graduate Medical Education	303,170	303,258	303,258	+88	---
Health Care and Other Facilities	371,536	---	---	-371,536	---
Buildings and Facilities	249	249	249	---	---
Radiation Exposure Compensation Act	1,974	1,974	1,974	---	---
National Practitioner Data Bank	16,000	15,700	15,700	-300	---
User Fees	-16,000	-15,700	-15,700	+300	---
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	---	---
User Fees	-4,000	-4,000	-4,000	---	---
Community Access Program	83,674	9,998	---	-83,674	-9,998
State Planning Grants for Health Care Access	14,810	---	14,810	---	+14,810
Program Management	148,533	151,317	151,317	+2,784	---
Total, Health resources and services	6,593,303	6,022,833	6,305,333	-287,970	+282,500
Total, Health resources & services program level	(6,618,303)	(6,047,833)	(6,330,333)	(-287,970)	(+282,500)
Evaluation tap funding	(25,000)	(25,000)	(25,000)	---	---
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(25,000)	(4,000)	(4,000)	(-21,000)	---
Program management	3,353	3,270	3,270	-83	---
Total, HEAL	3,353	3,270	3,270	-83	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	66,000	66,000	66,000	---	---
HRSA administration	3,190	3,176	3,176	-14	---
Total, Vaccine Injury Compensation Trust Fund	69,190	69,176	69,176	-14	---
Total, Health Resources and Services Admin	6,665,846	6,095,279	6,377,779	-288,067	+282,500
Total, HRSA program level	(6,715,846)	(6,124,279)	(6,406,779)	(-309,067)	(+282,500)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
CENTERS FOR DISEASE CONTROL AND PREVENTION					
Birth Defects/Developmental Disabilities/Disability and Health	112,743	112,972	119,214	+6,471	+6,242
Chronic Disease Prevention and Health Promotion	853,378	915,425	915,711	+62,333	+286
Environmental Health	183,212	183,795	186,113	+2,901	+2,318
Epidemic Services and Response	91,776	92,485	91,776	---	-709
Health Statistics	---	---	---	---	---
Evaluation Tap Funding	(127,634)	(149,600)	(149,600)	(+21,966)	---
Subtotal, Program level	127,634	149,600	149,600	+21,966	---
HIV/AIDS, STD and TB Prevention	1,141,661	1,143,299	1,149,330	+7,669	+6,031
Immunization	629,344	630,070	640,070	+10,726	+10,000
Evaluation Tap Funding	(14,000)	(14,000)	(14,000)	---	---
Subtotal, Program level	643,344	644,070	654,070	+10,726	+10,000
Infectious Disease Control	369,485	400,779	398,439	+28,954	-2,340
Injury Prevention and Control	153,591	153,879	155,591	+2,000	+1,712
Occupational Safety and Health 1/	235,088	236,687	236,687	+1,599	---
Evaluation Tap Funding	(41,900)	(41,900)	(41,900)	---	---
Subtotal, Program level	276,988	278,587	278,587	+1,599	---
Preventive Health and Health Services Block Grant	133,298	133,298	110,000	-23,298	-23,298
Public Health Improvement	143,962	69,692	85,174	-58,788	+15,482
Evaluation Tap Funding	(28,600)	(43,600)	(43,600)	(+15,000)	---
Subtotal, Program level	172,562	113,292	128,774	-43,788	+15,482
Buildings and Facilities	260,454	81,500	81,500	-178,954	---
Office of the Director	59,173	59,673	59,173	---	-500
Total, Centers for Disease Control	4,367,165	4,213,554	4,228,778	-138,387	+15,224
Evaluation Tap Funding (NA)	(212,134)	(249,100)	(249,100)	(+36,966)	---
Total, Centers for Disease Control program level	(4,579,299)	(4,462,654)	(4,477,878)	(-101,421)	(+15,224)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,739,255	4,870,025	4,870,025	+130,770	---
National Heart, Lung, and Blood Institute	2,878,691	2,963,953	2,963,953	+85,262	---
National Institute of Dental & Craniofacial Research	383,282	394,080	394,080	+10,798	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,671,803	1,726,196	1,726,196	+54,393	---
Juvenile diabetes	(150,000)	(150,000)	(150,000)	---	---
Subtotal, NIDDK	1,821,803	1,876,196	1,876,196	+54,393	---
National Institute of Neurological Disorders & Stroke	1,501,207	1,545,623	1,545,623	+44,416	---
National Institute of Allergy and Infectious Diseases	4,155,447	4,340,007	4,340,007	+184,560	---
Global HIV/AIDS Fund Transfer	149,115	100,000	100,000	-49,115	---
Subtotal, NIAID	4,304,562	4,440,007	4,440,007	+135,445	---
National Institute of General Medical Sciences	1,904,838	1,959,810	1,959,810	+54,972	---
National Institute of Child Health & Human Development	1,242,361	1,280,915	1,280,915	+38,554	---
National Eye Institute	653,052	671,578	671,578	+18,526	---
National Institute of Environmental Health Sciences	632,392	650,027	650,027	+17,635	---
National Institute on Aging	1,024,754	1,055,666	1,055,666	+30,912	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	501,066	515,378	515,378	+14,312	---
National Institute on Deafness and Other Communication Disorders	382,053	393,507	393,507	+11,454	---
National Institute of Nursing Research	134,724	139,198	139,198	+4,474	---
National Institute on Alcohol Abuse and Alcoholism	428,669	441,911	441,911	+13,242	---
National Institute on Drug Abuse	990,953	1,012,760	1,012,760	+21,807	---
Evaluation tap funding	---	(6,300)	(6,300)	(+6,300)	---
National Institute of Mental Health	1,381,774	1,420,609	1,420,609	+38,835	---
National Human Genome Research Institute	479,073	492,670	492,670	+13,597	---

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	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
National Institute of Biomedical Imaging and Bioengineering	287,129	297,647	297,647	+10,518	---
National Center for Research Resources	1,179,058	1,094,141	1,094,141	-84,917	---
National Center for Complementary and Alternative Medicine	116,978	121,116	121,116	+4,138	---
National Center on Minority Health and Health Disparities	191,471	196,780	196,780	+5,309	---
John E. Fogarty International Center	65,382	67,182	67,182	+1,800	---
National Library of Medicine	309,045	316,947	316,947	+7,902	---
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Subtotal, NLM	317,245	325,147	325,147	+7,902	---
Office of the Director	327,504	359,645	359,645	+32,141	---
Buildings and Facilities	88,972	99,500	99,500	+10,528	---
Total, N.I.H. appropriations	27,800,048	28,526,871	28,526,871	+726,823	---
Global HIV/AIDS Fund Transfer	-149,115	-100,000	-100,000	+49,115	---
Evaluation Tap Funding	(8,200)	(14,500)	(14,500)	(+6,300)	---
Total, N.I.H., Program Level	(27,659,133)	(28,441,371)	(28,441,371)	(+782,238)	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMIN.					
Mental Health:					
Programs of Regional and National Significance	240,796	270,548	257,420	+16,624	-13,128
Mental Health block grant	412,840	414,267	414,267	+1,427	---
Evaluation Tap Funding	(21,850)	(21,803)	(21,803)	(-47)	---
Children's Mental Health	102,354	106,013	106,013	+3,659	---
Grants to States for the Homeless (PATH)	49,760	55,251	55,251	+5,491	---
Samaritan initiative	---	10,000	---	---	-10,000
Protection and Advocacy	34,620	34,620	36,000	+1,380	+1,380
Subtotal, Mental Health	840,370	890,699	868,951	+28,581	-21,748
Substance Abuse Treatment:					
Programs of Regional and National Significance	419,219	512,732	414,919	-4,300	-97,813
Evaluation Tap Funding	---	(4,300)	(4,300)	(+4,300)	---
Substance Abuse block grant	1,699,946	1,753,035	1,710,035	+10,089	-43,000
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	---	---
Subtotal, Substance Abuse Treatment	2,119,165	2,265,767	2,124,954	+5,789	-140,813
Subtotal, Program level	2,198,365	2,349,267	2,208,454	+10,089	-140,813
Substance Abuse Prevention:					
Programs of Regional and National Significance	198,458	196,018	200,000	+1,542	+3,982
Program Management and Buildings and Facilities	75,915	76,455	76,455	+540	---
Evaluation Tap funding (NA)	(16,000)	(16,000)	(16,000)	---	---
Subtotal, Program level	91,915	92,455	92,455	+540	---
Total, Substance Abuse and Mental Health	3,233,908	3,428,939	3,270,360	+36,452	-158,579
Evaluation Tap funding	(117,050)	(121,303)	(121,303)	(+4,253)	---
Total, SAMHS program level	(3,350,958)	(3,550,242)	(3,391,663)	(+40,705)	(-158,579)

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	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Evaluation Tap funding (NA)	(245,695)	(245,695)	(245,695)	---	---
Reducing medical errors (non-add)	(79,500)	(84,000)	(84,000)	(+4,500)	---
Subtotal (including Evaluation Tap funding)	(245,695)	(245,695)	(245,695)	---	---
Health Insurance and Expenditure Surveys:					
Evaluation Tap funding (NA)	(55,300)	(55,300)	(55,300)	---	---
Program Support:					
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	---	---
Total, AHRQ Evaluation Tap funding (NA)	(303,695)	(303,695)	(303,695)	---	---
Total, Public Health Service appropriation	42,066,967	42,264,643	42,403,788	+336,821	+139,145
Total, Public Health Service program level	(42,608,931)	(42,882,241)	(43,021,386)	(+412,455)	(+139,145)
CENTERS FOR MEDICARE AND MEDICAID SERVICES					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	172,706,067	167,013,865	167,013,865	-5,692,202	---
State and local administration	9,067,320	9,318,602	9,318,602	+251,282	---
Vaccines for Children	980,196	1,208,296	1,208,296	+228,100	---
Subtotal, Medicaid program level	182,753,583	177,540,763	177,540,763	-5,212,820	---
Less funds advanced in prior year	-51,861,386	-58,416,275	-58,416,275	-6,554,889	---
Total, Grants to States for medicaid	130,892,197	119,124,488	119,124,488	-11,767,709	---
New advance, 1st quarter	58,416,275	58,517,290	58,517,290	+101,015	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	94,518,000	114,002,000	114,002,000	+19,484,000	---
Hospital insurance for the uninsured	197,000	87,000	87,000	-110,000	---
Federal uninsured payment	168,000	199,000	199,000	+31,000	---
Program management	201,100	215,000	215,000	+13,900	---
Prescription drug eligibility determinations	---	105,900	105,900	+105,900	---
Subtotal, Payments to Trust Funds, current law	95,084,100	114,608,900	114,608,900	+19,524,800	---
New Advance FY 2006	---	5,216,900	5,216,900	+5,216,900	---
Total, Payments to Trust Funds, current law	95,084,100	119,825,800	119,825,800	+24,741,700	---
PROGRAM MANAGEMENT					
Medicare reform funding 2/ 3/ 4/	(1,000,000)	(250,000)	(250,000)	(-750,000)	---
Research, Demonstration, Evaluation	77,791	68,274	68,400	-9,391	+126
Medicare Operations	1,701,038	1,793,879	1,793,879	+92,841	---
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,421,038)	(2,513,879)	(2,513,879)	(+92,841)	---
Revitalization plan	29,619	24,400	24,400	-5,219	---
State Survey and Certification	251,252	270,392	270,392	+19,140	---
Federal Administration	577,146	589,182	589,182	+12,036	---
Total, Program management, Limitation on new BA	2,636,846	2,746,127	2,746,253	+109,407	+126
Total, Program management, program level	(3,356,846)	(3,466,127)	(3,466,253)	(+109,407)	(+126)
Total, Center for Medicare and Medicaid Services	287,029,418	300,213,705	300,213,831	+13,184,413	+126
Federal funds	284,392,572	297,467,578	297,467,578	+13,075,006	---
Current year	(225,976,297)	(233,733,388)	(233,733,388)	(+7,757,091)	---
New advance, FY 2006	(58,416,275)	(63,734,190)	(63,734,190)	(+5,317,915)	---
Trust Funds	2,636,846	2,746,127	2,746,253	+109,407	+126

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
ADMINISTRATION FOR CHILDREN AND FAMILIES					
FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	23,000	23,000	---	---
Repatriation	1,000	1,000	1,000	---	---
Subtotal, Welfare payments	24,000	24,000	24,000	---	---
Child Support Enforcement:					
State and local administration	3,897,674	3,940,698	3,940,698	+43,024	---
Federal incentive payments	454,000	446,000	446,000	-8,000	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,361,674	4,398,698	4,398,698	+37,024	---
Prior year AFDC payments	20,000	---	---	-20,000	---
Total, Family support payments program level	4,405,674	4,422,698	4,422,698	+17,024	---
Less funds advanced in previous years	-1,100,000	-1,200,000	-1,200,000	-100,000	---
Total, Family support payments, current request	3,305,674	3,222,698	3,222,698	-82,976	---
Plus New advance, 1st quarter, FY 2006	1,200,000	1,200,000	1,200,000	---	---
Total, Family support payments	4,505,674	4,422,698	4,422,698	-82,976	---
LOW INCOME HOME ENERGY ASSISTANCE					
Formula grants	1,789,380	1,800,500	1,900,000	+110,620	+99,500
Emergency allocation:					
Contingent emergency allocation	99,410	200,000	100,000	+590	-100,000
Department of Energy-Weatherization Assistance5/6/	227,166	291,200	227,000	-166	-64,200
Total, Low income home energy assistance	2,115,956	2,291,700	2,227,000	+111,044	-64,700
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	168,975	193,577	193,577	+24,602	---
Victims of Trafficking	9,909	10,000	10,000	+91	---
Social Services	152,218	151,121	166,218	+14,000	+15,097
Preventive Health	4,792	4,835	4,835	+43	---
Targeted Assistance	49,025	49,477	49,477	+452	---
Unaccompanied minors	52,770	54,229	54,229	+1,459	---
Victims of Torture	9,909	10,000	13,000	+3,091	+3,000
Total, Refugee and entrant assistance	447,598	473,239	491,336	+43,738	+18,097
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,087,310	2,099,729	2,099,729	+12,419	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,383,108	5,543,580	5,498,580	+115,472	-45,000
Advance from prior year	(1,391,740)	(1,400,000)	(1,400,000)	(+8,260)	---
FY 2006	1,400,000	1,400,000	1,400,000	---	---
Subtotal, Head Start, program level	6,774,848	6,943,580	6,898,580	+123,732	-45,000
Consolidated Runaway, Homeless Youth Program	89,431	89,447	89,447	+16	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,302	15,302	15,302	---	---
Child Abuse State Grants	21,883	42,013	28,484	+6,601	-13,529
Child Abuse Discretionary Activities	34,386	26,266	26,266	-8,120	---
Community based child abuse prevention	33,205	65,002	43,205	+10,000	-21,797
Abandoned Infants Assistance	12,052	12,086	12,086	+34	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
Child Welfare Services	289,320	291,986	291,986	+2,666	---
Child Welfare Training	7,411	7,470	7,470	+59	---
Adoption Opportunities	27,103	27,343	27,343	+240	---
Adoption Incentive (no cap adjustment)	7,456	32,103	32,103	+24,647	---
Adoption Awareness	12,785	12,906	12,906	+121	---
Compassion Capital Fund	47,702	100,000	55,000	+7,298	-45,000
Social Services and Income Maintenance Research	13,168	5,982	---	-13,168	-5,982
Evaluation tap funding	(6,000)	---	(5,982)	(-18)	(+5,982)
Subtotal, Program level	19,168	5,982	5,982	-13,186	---
Developmental Disabilities Program:					
State Councils	73,081	73,081	73,081	---	---
Protection and Advocacy	38,416	38,416	38,416	---	---
Voting access for individuals with disabilities	14,911	14,912	15,000	+89	+88
Developmental Disabilities Projects of National Significance	11,561	11,642	11,642	+81	---
University Centers for Excellence in Developmental Disabilities	26,803	26,803	26,803	---	---
Subtotal, Developmental disabilities	164,772	164,854	164,942	+170	+88
Native American Programs	45,157	45,155	45,155	-2	---
Community Services:					
Grants to States for Community Services	641,935	494,946	627,500	-14,435	+132,554
Community Initiative Program:					
Economic Development	32,338	32,492	32,492	+154	---
Individual Development Account Initiative	24,695	24,912	24,912	+217	---
Rural Community Facilities	7,184	---	7,184	---	+7,184
Subtotal, Community Initiative Program	64,217	57,404	64,588	+371	+7,184
National Youth Sports	17,894	---	18,000	+106	+18,000
Community Food and Nutrition	7,238	---	---	-7,238	---
Subtotal, Community Services	731,284	552,350	710,088	-21,196	+157,738
Domestic Violence Hotline	2,982	3,000	3,000	+18	---
Family Violence/Battered Women's Shelters	125,648	125,648	125,648	---	---
Early Learning Fund	33,580	---	---	-33,580	---
Faith-Based Center	1,386	1,400	1,400	+14	---
Mentoring Children of Prisoners	49,701	50,000	50,000	+299	---
Independent Living Training Vouchers	44,734	60,000	50,000	+5,266	-10,000
Promoting Responsible Fatherhood and healthy marriages	---	50,000	---	---	-50,000
Abstinence Education	70,049	181,926	105,046	+34,997	-76,880
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	---	---
Program Direction	177,894	190,206	190,206	+12,312	---
Total, Children and Families Services Programs	8,841,499	9,106,025	8,985,663	+144,164	-120,362
Current Year	(7,441,499)	(7,706,025)	(7,585,663)	(+144,164)	(-120,362)
FY 2006	(1,400,000)	(1,400,000)	(1,400,000)	---	---
Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(-18)	(+5,982)
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	99,383	200,000	105,000	+5,617	-95,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,974,200	4,895,500	4,895,500	-78,700	---
Adoption Assistance	1,699,700	1,770,100	1,770,100	+70,400	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,813,900	6,805,600	6,805,600	-8,300	---
Less Advances from Prior Year	-1,745,600	-1,767,700	-1,767,700	-22,100	---
Total, payments, current request	5,068,300	5,037,900	5,037,900	-30,400	---
New Advance, 1st quarter	1,767,700	1,767,200	1,767,200	-500	---
Total, Administration for Children & Families	26,938,420	27,403,491	27,141,526	+203,106	-261,965
Current year	(22,570,720)	(23,036,291)	(22,774,326)	(+203,606)	(-261,965)
FY 2006	(4,367,700)	(4,367,200)	(4,367,200)	(-500)	---
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	353,889	357,000	357,000	+3,111	---
Preventive Health	21,790	21,919	21,919	+129	---
Protection of vulnerable older americans-Title VII	19,444	18,559	18,559	-885	---
Family Caregivers	152,738	155,512	157,000	+4,262	+1,488
Native American Caregivers Support	6,318	6,355	6,355	+37	---
Subtotal, Caregivers	159,056	161,867	163,355	+4,299	+1,488
Nutrition:					
Congregate Meals	386,353	388,646	392,148	+5,795	+3,502
Home Delivered Meals	179,917	180,985	187,616	+7,699	+6,631
Nutrition Services Incentive Program	148,191	149,183	150,414	+2,223	+1,231
Subtotal, Nutrition	714,461	718,814	730,178	+15,717	+11,364
Subtotal, Grants to States	1,268,640	1,278,159	1,291,011	+22,371	+12,852
Grants for Native Americans	26,453	26,612	26,612	+159	---
Program Innovations	33,509	23,843	37,943	+4,434	+14,100
Aging Network Support Activities	13,294	13,373	13,373	+79	---
Alzheimer's Disease Demonstrations	11,883	11,500	11,500	-383	---
White House Conference on Aging	2,814	4,558	4,558	+1,744	---
Program Administration	17,324	18,482	18,482	+1,158	---
Total, Administration on Aging	1,373,917	1,376,527	1,403,479	+29,562	+26,952
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	174,811	180,045	180,045	+5,234	---
Trust Funds	5,816	5,851	5,851	+35	---
Subtotal	(180,627)	(185,896)	(185,896)	(+5,269)	---
Adolescent Family Life (Title XX)	30,946	54,349	31,229	+283	-23,120
Minority health	55,190	47,236	47,236	-7,954	---
Office of women's health	28,915	29,103	29,103	+188	---
Minority HIV/AIDS	49,544	52,838	52,838	+3,294	---
Health care information technology	---	50,000	25,000	+25,000	-25,000
IT Security and Innovation Fund	14,847	18,400	14,847	---	-3,553
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---
Total, General Departmental Management	360,069	437,822	386,149	+26,080	-51,673
Federal Funds	354,253	431,971	380,298	+26,045	-51,673
Trust Funds	5,816	5,851	5,851	+35	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	39,094	40,323	40,323	+1,229	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(199,094)	(200,323)	(200,323)	(+1,229)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	30,607	32,043	32,043	+1,436	---
Trust Funds	3,294	3,314	3,314	+20	---
Total, Office for Civil Rights	33,901	35,357	35,357	+1,456	---
POLICY RESEARCH:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(20,750)	(28,750)	(20,750)	---	(-8,000)
Total, Policy Research	20,750	28,750	20,750	---	-8,000
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	228,064	241,294	241,294	+13,230	---
Survivors benefits	14,298	14,750	14,750	+452	---
Dependents' medical care	79,401	74,592	74,592	-4,809	---
Total,Medical benefits for Commissioned Officers	321,763	330,636	330,636	+8,873	---
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA Homeland security activities	542,649	503,649	542,649	---	+39,000
CDC Homeland security activities	1,507,211	1,509,571	1,637,760	+130,549	+128,189
NIH Homeland security activities	---	47,400	47,400	+47,400	---
Office of the Secretary Homeland sercurity activities.	64,438	64,438	64,438	---	---
Other PHSSEF Homeland security activities	49,705	100,000	60,000	+10,295	-40,000
Total, PHSSEF	2,164,003	2,225,058	2,352,247	+188,244	+127,189
Total, Office of the Secretary	2,918,830	3,069,196	3,144,712	+225,882	+75,516
Federal Funds	2,909,720	3,060,031	3,135,547	+225,827	+75,516
Trust Funds	9,110	9,165	9,165	+55	---
Total, Title II, Dept of Health & Human Services	360,327,552	374,327,562	374,307,336	+13,979,784	-20,226
Federal Funds	357,681,596	371,572,270	371,551,918	+13,870,322	-20,352
Current year	(294,897,621)	(303,470,880)	(303,450,528)	(+8,552,907)	(-20,352)
FY 2006	(62,783,975)	(68,101,390)	(68,101,390)	(+5,317,415)	---
Trust Funds	2,645,956	2,755,292	2,755,418	+109,462	+126

Title II Footnotes:
1/ Includes Mine Safety and Health.
2/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
3/ $1 billion available for fiscal years 2004-2005.
4/ $250 million available for fiscal years 2005-2008.
5/ FY 2005 House jurisdiction change--account moved from Interior Appropriations.
6/ Weatherization assistance funds transferred to and administered by Department of Energy.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE III - DEPARTMENT OF EDUCATION					
EDUCATION FOR THE DISADVANTAGED					
Grants to Local Educational Agencies (LEAs)					
Basic Grants					
Advance from prior year	(2,011,272)	(1,883,584)	(1,883,584)	(-127,688)	---
Forward funded	5,150,529	6,150,508	6,150,508	+999,979	---
Current funded	3,479	3,500	3,500	+21	---
Subtotal, Basic grants current year approp.	5,154,008	6,154,008	6,154,008	+1,000,000	---
Subtotal, Basic grants total funds available	(7,165,280)	(8,037,592)	(8,037,592)	(+872,312)	---
Basic Grants FY 2006 Advance	1,883,584	883,584	883,584	-1,000,000	---
Subtotal, Basic grants, program level	7,037,592	7,037,592	7,037,592	---	---
Concentration Grants					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2006 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants					
Advance from prior year	(1,670,239)	(1,969,843)	(1,969,843)	(+299,604)	---
FY 2006 Advance	1,969,843	4,146,187	2,469,843	+500,000	-1,676,344
Subtotal, Targeted Grants program level	1,969,843	4,146,187	2,469,843	+500,000	-1,676,344
Education Finance Incentive Grants					
Advance from prior year	(1,541,759)	(1,969,843)	(1,969,843)	(+428,084)	---
FY 2006 Advance	1,969,843	793,499	2,469,843	+500,000	+1,676,344
Subtotal, Education Finance Incentive Grants	1,969,843	793,499	2,469,843	+500,000	+1,676,344
Subtotal, Grants to LEAs, program level	12,342,309	13,342,309	13,342,309	+1,000,000	---
Even Start	246,910	---	246,910	---	+246,910
Reading First:					
State Grants (forward funded)	828,923	930,000	930,000	+101,077	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2006 Advance	195,000	195,000	195,000	---	---
Subtotal, Reading First State Grants	1,023,923	1,125,000	1,125,000	+101,077	---
Early Reading First	94,439	132,000	132,000	+37,561	---
Striving readers	---	100,000	100,000	+100,000	---
Literacy through School Libraries	19,842	19,842	19,842	---	---
State Agency Programs:					
Migrant	393,577	393,577	393,577	---	---
Neglected and Delinquent/High Risk Youth	48,395	48,395	48,395	---	---
Subtotal, State Agency programs	441,972	441,972	441,972	---	---
Evaluation	8,790	9,500	9,500	+710	---
Comprehensive School Reform Demonstration	233,613	---	80,000	-153,613	+80,000
Migrant Education:					
High School Equivalency Program	18,888	18,888	22,545	+3,657	+3,657
College Assistance Migrant Program	15,657	15,657	15,657	---	---
Subtotal, Migrant Education	34,545	34,545	38,202	+3,657	+3,657
Total, Education for the disadvantaged	14,446,343	15,205,168	15,535,735	+1,089,392	+330,567
Current Year	(7,063,042)	(7,821,867)	(8,152,434)	(+1,089,392)	(+330,567)
FY 2006	(7,383,301)	(7,383,301)	(7,383,301)	---	---
Subtotal, forward funded	(6,901,947)	(7,522,480)	(7,849,390)	(+947,443)	(+326,910)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
IMPACT AID					
Basic Support Payments	1,063,687	1,063,687	1,083,687	+20,000	+20,000
Payments for Children with Disabilities	50,369	50,369	50,369	---	---
Facilities Maintenance (Sec. 8008)	7,901	7,901	7,901	---	---
Construction (Sec. 8007)	45,935	45,936	45,936	+1	---
Payments for Federal Property (Sec. 8002)	61,634	61,634	63,000	+1,366	+1,366
Total, Impact aid	1,229,526	1,229,527	1,250,893	+21,367	+21,366
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,495,126	1,495,126	1,515,000	+19,874	+19,874
Advance from prior year	(1,150,000)	(1,435,000)	(1,435,000)	(+285,000)	---
FY 2006	1,435,000	1,435,000	1,435,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,126	2,930,126	2,950,000	+19,874	+19,874
Early Childhood Educator Professional Development	14,814	14,814	14,814	---	---
Mathematics and Science Partnerships	149,115	269,115	269,115	+120,000	---
State Grants for Innovative Education (Education Block Grant)	296,548	296,549	---	-296,548	-296,549
Advance from prior year	(285,000)	---	---	(-285,000)	---
FY 2006	---	---	---	---	---
Subtotal, Education Block Grant, program level	296,548	296,549	---	-296,548	-296,549
Educational Technology State Grants	691,841	691,841	600,000	-91,841	-91,841
Supplemental Education Grants	---	---	18,330	+18,330	+18,330
21st Century Community Learning Centers	999,070	999,070	999,070	---	---
State Assessments/Enhanced Assessment Instruments	390,000	410,000	410,000	+20,000	---
Javits gifted talented education	11,111	---	11,111	---	+11,111
Foreign language assistance	16,546	---	---	-16,546	---
Education for Homeless Children & Youth	59,646	59,646	70,000	+10,354	+10,354
Training and Advisory Services (Civil Rights)	7,243	7,243	7,243	---	---
Education for Native Hawaiians	33,302	33,302	33,302	---	---
Alaska Native Education Equity	33,302	33,302	33,302	---	---
Rural Education	167,831	167,831	167,831	---	---
Comprehensive Centers	57,283	27,654	57,283	---	+29,629
Total, School improvement programs	5,857,778	5,940,493	5,641,401	-216,377	-299,092
Current Year	(4,422,778)	(4,505,493)	(4,206,401)	(-216,377)	(-299,092)
FY 2006	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(4,249,177)	(4,389,178)	(4,031,016)	(-218,161)	(-358,162)
INDIAN EDUCATION					
Grants to Local Educational Agencies	95,933	95,933	95,933	---	---
Federal Programs:					
Special Programs for Indian Children	19,753	19,753	19,753	---	---
National Activities	5,170	5,170	5,170	---	---
Subtotal, Federal Programs	24,923	24,923	24,923	---	---
Total, Indian Education	120,856	120,856	120,856	---	---
INNOVATION AND IMPROVEMENT					
Troops-to-Teachers	14,911	14,912	14,912	+1	---
Transition to Teaching	45,295	45,295	45,295	---	---
National Writing Project	17,894	---	17,894	---	+17,894
Teaching of Traditional American History	119,292	119,292	---	-119,292	-119,292
School Leadership	12,346	---	15,000	+2,654	+15,000
Advanced Credentialing	18,391	7,000	18,391	---	+11,391
Charter Schools Grants	218,702	218,702	218,702	---	---
Credit Enhancement for Charter School Facilities	37,279	100,000	50,000	+12,721	-50,000
Voluntary Public School Choice	26,757	26,757	26,757	---	---
Magnet Schools Assistance	108,640	108,640	108,640	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
Fund for the Improvement of Education (FIE):					
Current funded	356,197	170,185	100,000	-256,197	-70,185
Forward funded	74,073	---	---	-74,073	---
Subtotal, FIE	430,270	170,185	100,000	-330,270	-70,185
Ready to Learn television	22,864	22,864	22,864	---	---
Dropout Prevention Programs	4,970	---	---	-4,970	---
Close Up Fellowships	1,481	---	1,481	---	+1,481
Advanced Placement	23,534	51,534	30,000	+6,466	-21,534
Total, Innovation and Improvement	1,102,626	885,181	669,936	-432,690	-215,245
Forward funded	(74,073)	---	---	(-74,073)	---
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, forward funded	440,908	440,908	440,908	---	---
Advance from prior year	(330,000)	---	---	(-330,000)	---
FY 2006	---	---	---	---	---
State Grants, program level	440,908	440,908	440,908	---	---
National Programs	153,767	175,069	153,767	---	-21,302
Alcohol Abuse Reduction	29,823	---	---	-29,823	---
Mentoring Programs	49,705	100,000	49,705	---	-50,295
Character education	24,691	24,691	24,961	+270	+270
Elementary and Secondary School Counseling	33,799	---	33,799	---	+33,799
Carol M. White Physical Education Program	69,587	69,587	69,587	---	---
Civic Education	28,642	28,642	28,642	---	---
State Grants for Incarcerated Youth Offenders	24,852	---	---	-24,852	---
Total, Safe Schools and Citizenship Education	855,774	838,897	801,369	-54,405	-37,528
Current Year	(855,774)	(838,897)	(801,369)	(-54,405)	(-37,528)
FY 2006	---	---	---	---	---
Subtotal, forward funded	(465,760)	(440,908)	(440,908)	(-24,852)	---
ENGLISH LANGUAGE ACQUISITION					
Current funded	124,220	85,500	85,500	-38,720	---
Forward funded	556,995	595,715	595,715	+38,720	---
Total, English Language Acquisition	681,215	681,215	681,215	---	---
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B current year	4,655,106	5,655,106	5,655,106	+1,000,000	---
Part B advance from prior year	(5,672,000)	(5,413,000)	(5,413,000)	(-259,000)	---
Grants to States Part B (FY 2006)	5,413,000	5,413,000	5,413,000	---	---
Subtotal, Grants to States, program level	10,068,106	11,068,106	11,068,106	+1,000,000	---
Preschool Grants	387,699	387,699	387,699	---	---
Grants for Infants and Families	444,363	466,581	466,581	+22,218	---
Subtotal, State grants, program level	10,900,168	11,922,386	11,922,386	+1,022,218	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
IDEA National Activities (current funded):					
State Improvement	51,061	51,061	51,061	---	---
Technical Assistance and Dissemination	52,820	52,819	52,819	-1	---
Personnel Preparation	91,357	91,357	91,357	---	---
Parent Information Centers	26,173	26,173	26,173	---	---
Technology and Media Services	39,129	32,305	32,305	-6,824	---
Subtotal, IDEA special programs	260,540	253,715	253,715	-6,825	---
Total, Special education	11,160,708	12,176,101	12,176,101	+1,015,393	---
Current Year	(5,747,708)	(6,763,101)	(6,763,101)	(+1,015,393)	---
FY 2006	(5,413,000)	(5,413,000)	(5,413,000)	---	---
Subtotal, Forward funded	(5,538,229)	(6,560,447)	(6,560,447)	(+1,022,218)	---
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,584,162	2,635,845	2,635,845	+51,683	---
Vocational Rehabilitation Incentive Grants	---	61,800	---	---	-61,800
Client Assistance State grants	11,997	11,997	11,997	---	---
Training	39,139	39,139	39,139	---	---
Demonstration and training programs	24,286	18,784	18,784	-5,502	---
Migrant and seasonal farmworkers	2,321	---	2,321	---	+2,321
Recreational programs	2,564	---	2,564	---	+2,564
Protection and advocacy of individual rights (PAIR)	16,790	19,570	16,790	---	-2,780
Projects with industry	21,799	---	21,799	---	+21,799
Supported employment State grants	37,680	---	37,680	---	+37,680
Independent living:					
State grants	22,020	22,020	25,000	+2,980	+2,980
Centers	73,563	73,563	75,000	+1,437	+1,437
Services for older blind individuals	31,811	31,811	35,000	+3,189	+3,189
Subtotal, Independent living	127,394	127,394	135,000	+7,606	+7,606
Program Improvement	889	850	850	-39	---
Evaluation	988	1,500	1,500	+512	---
Helen Keller National Center for Deaf/Blind Youth and Adults	8,666	8,666	8,666	---	---
National Inst. Disability and Rehab. Research (NIDRR)	106,652	106,652	106,652	---	---
Assistive Technology	25,943	15,000	15,000	-10,943	---
Subtotal, discretionary programs	427,108	411,352	418,742	-8,366	+7,390
Total, Rehabilitation services	3,011,270	3,047,197	3,054,587	+43,317	+7,390
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	16,403	16,403	17,000	+597	+597

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):					
Operations	53,118	53,118	54,105	+987	+987
Construction	365	685	1,685	+1,320	+1,000
Total, NTID	53,483	53,803	55,790	+2,307	+1,987
Gallaudet University	100,205	100,205	104,000	+3,795	+3,795
Total, Special Institutions for Persons with Disabilities	170,091	170,411	176,790	+6,699	+6,379
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded	404,008	221,000	424,008	+20,000	+203,008
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2006	791,000	791,000	791,000	---	---
Subtotal, Basic State Grants, program level	1,195,008	1,012,000	1,215,008	+20,000	+203,008
Tech-Prep Education State Grants	106,665	---	106,665	---	+106,665
National Programs	11,852	---	11,852	---	+11,852
Tech-Prep Education Demonstration	4,939	---	---	-4,939	---
Occupational and Employment Information Program	9,382	---	---	-9,382	---
Subtotal, Vocational Education	1,327,846	1,012,000	1,333,525	+5,679	+321,525
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded	574,372	574,372	574,372	---	---
National Programs					
National Leadership Activities	9,169	9,169	9,169	---	---
National Institute for Literacy	6,692	6,692	6,692	---	---
Subtotal, National programs	15,861	15,861	15,861	---	---
Subtotal, Adult education	590,233	590,233	590,233	---	---
Smaller Learning Communities, current funded	8,698	---	5,085	-3,613	+5,085
Smaller Learning Communities, forward funded	165,269	---	96,613	-68,656	+96,613
Community Technology Centers	9,941	---	---	-9,941	---
Total, Vocational and adult education	2,101,987	1,602,233	2,025,456	-76,531	+423,223
Current Year	(1,310,987)	(811,233)	(1,234,456)	(-76,531)	(+423,223)
FY 2006	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded	(1,292,348)	(811,233)	(1,229,371)	(-62,977)	(+418,138)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,050)	(4,050)	---	---
Pell Grants -- Regular Program	12,006,738	12,830,000	12,830,000	+823,262	---
Enhanced Pell grants for State scholars	---	33,000	---	---	-33,000
Federal Supplemental Educational Opportunity Grants	770,455	770,455	794,455	+24,000	+24,000
Federal Work Study	998,502	998,502	998,502	---	---
Federal Perkins Loans:					
Capital Contributions	98,764	---	---	-98,764	---
Loan Cancellations	66,665	66,665	66,665	---	---
Subtotal, Federal Perkins loans	165,429	66,665	66,665	-98,764	---
LEAP program	66,172	---	66,172	---	+66,172
Total, Student Financial Assistance	14,007,296	14,698,622	14,755,794	+748,498	+57,172

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
STUDENT AID ADMINISTRATION					
Administrative Costs	116,727	934,639	120,247	+3,520	-814,392
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	+795,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	80,986	80,986	80,986	---	---
Hispanic Serving Institutions	93,993	95,873	95,873	+1,880	---
Strengthening Historically Black Colleges (HBCUs)	222,764	240,500	240,500	+17,736	---
Strengthening historically black graduate insts	53,100	58,500	58,500	+5,400	---
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	10,935	6,137	10,935	---	+4,798
Strengthening Tribal Colleges	23,287	23,753	23,753	+466	---
Subtotal, Aid for Institutional development	485,065	505,749	510,547	+25,482	+4,798
International Education and Foreign Language:					
Domestic Programs	89,211	89,211	93,211	+4,000	+4,000
Overseas Programs	12,840	12,840	12,840	---	---
Institute for International Public Policy	1,629	1,629	1,629	---	---
Subtotal, International Education & Foreign Lang	103,680	103,680	107,680	+4,000	+4,000
Fund for the Improvement of Postsec. Ed. (FIPSE)	157,700	32,011	32,011	-125,689	---
Minority Science and Engineering Improvement	8,889	8,889	8,889	---	---
Interest Subsidy Grants	1,988	1,500	1,500	-488	---
Tribally Controlled Postsec Voc/Tech Institutions	7,185	7,185	7,185	---	---
Federal TRIO Programs	832,559	832,559	842,559	+10,000	+10,000
GEAR UP	298,230	298,230	318,230	+20,000	+20,000
Byrd Honors Scholarships	40,758	40,758	---	-40,758	-40,758
Javits Fellowships	9,876	9,876	9,876	---	---
Graduate Assistance in Areas of National Need	30,616	30,616	30,616	---	---
Teacher Quality Enhancement Grants	88,887	88,888	88,888	+1	---
Child Care Access Means Parents in School	16,098	16,099	16,099	+1	---
Demonstration in Disabilities / Higher Education	6,913	---	---	-6,913	---
Underground Railroad Program	2,222	---	---	-2,222	---
GPRA data/HEA program evaluation	988	988	988	---	---
B.J. Stupak Olympic Scholarships	988	---	988	---	+988
Total, Higher education	2,092,642	1,977,028	1,976,056	-116,586	-972
HOWARD UNIVERSITY					
Academic Program	205,212	205,164	210,342	+5,130	+5,178
Endowment Program	3,552	3,600	3,552	---	-48
Howard University Hospital	29,999	29,999	29,999	---	---
Total, Howard University	238,763	238,763	243,893	+5,130	+5,130
College Housing and Academic Facilities Loans Program: (CHAFL)	769	578	578	-191	---
HBCU Capital Financing Program -- Federal Adm	209	212	212	+3	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
INSTITUTE OF EDUCATION SCIENCES					
Research, development and dissemination	165,518	185,000	165,518	---	-19,482
Statistics	91,664	91,664	91,664	---	---
Regional Educational Laboratories	66,665	---	66,665	---	+66,665
Research and innovation in special education	78,125	78,125	78,125	---	---
Statewide data systems	---	---	30,000	+30,000	+30,000
Assessment:					
National Assessment	89,703	89,703	89,703	---	---
National Assessment Governing Board	5,060	5,129	5,129	+69	---
Subtotal, Assessment	94,763	94,832	94,832	+69	---
Total, IES	496,735	449,621	526,804	+30,069	+77,183
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	420,379	429,778	421,055	+676	-8,723
OFFICE FOR CIVIL RIGHTS	88,305	92,801	90,248	+1,943	-2,553
OFFICE OF THE INSPECTOR GENERAL	46,624	50,576	47,790	+1,166	-2,786
Total, Departmental management	555,308	573,155	559,093	+3,785	-14,062
Total: Elementary and Secondary Education Act programs	24,478,026	24,901,337	24,803,103	+325,077	-98,234
Total, Title III, Department of Education	58,246,623	59,974,897	60,317,016	+2,070,393	+342,119
Current Year	(43,224,322)	(44,952,596)	(45,294,715)	(+2,070,393)	(+342,119)
FY 2006	(15,022,301)	(15,022,301)	(15,022,301)	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	62,923	57,195	57,195	-5,728	---
Capital Program	1,971	4,000	4,000	+2,029	---
Total, AFRH	64,894	61,195	61,195	-3,699	---
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED 1/	4,697	4,672	4,672	-25	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 2/					
Volunteers in Service to America (VISTA)	93,731	96,428	93,731	---	-2,697
Volunteers in Homeland Security	9,876	15,000	5,000	-4,876	-10,000
National Senior Volunteer Corps:					
Foster Grandparents Program	110,121	106,700	112,323	+2,202	+5,623
Senior Companion Program	45,987	46,563	45,987	---	-576
Retired Senior Volunteer Program	58,156	69,884	58,156	---	-11,728
Senior Demonstration Program	---	1,397	---	---	-1,397
Subtotal, Senior Volunteers	214,264	224,544	216,466	+2,202	-8,078
Program Administration	36,469	39,363	38,000	+1,531	-1,363
Total, Domestic Volunteer Service Programs	354,340	375,335	353,197	-1,143	-22,138
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2007 (current) with FY 2006 comparable	400,000	---	400,000	---	+400,000
FY 2006 advance with FY 2005 comparable (NA)	(390,000)	(400,000)	(400,000)	(+10,000)	---
FY 2005 advance with FY 2004 comparable (NA)	(377,758)	(390,000)	(390,000)	(+12,242)	---
Digitalization program, current funded 3/	49,705	---	---	-49,705	---
Funds provided in P.L. 107-116 4/	---	(20,000)	(20,000)	(+20,000)	---
Interconnection, current funded 3/	9,941	---	---	-9,941	---
Funds provided in P.L. 107-116 4/	---	(75,000)	(60,000)	(+60,000)	(-15,000)
Subtotal, FY 2005 appropriation	59,646	---	---	-59,646	---
Subtotal, FY 2005 comparable	(59,646)	(95,000)	(80,000)	(+20,354)	(-15,000)
FEDERAL MEDIATION AND CONCILIATION SERVICE	43,129	43,964	43,964	+835	---
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,728	7,813	7,813	+85	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	262,240	261,743	261,743	-497	---
MEDICARE PAYMENT ADVISORY COMMISSION	9,245	9,905	9,905	+660	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	994	1,000	1,000	+6	---
NATIONAL COUNCIL ON DISABILITY	3,021	2,873	2,873	-148	---
NATIONAL LABOR RELATIONS BOARD	242,633	248,785	248,785	+6,152	---
NATIONAL MEDIATION BOARD	11,354	11,635	11,635	+281	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,805	10,516	10,516	+711	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	118,298	108,000	108,000	-10,298	---
Less Income Tax Receipts on Dual Benefits	-7,953	-8,000	-8,000	-47	---
Subtotal, Dual Benefits	110,345	100,000	100,000	-10,345	---
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	100,702	102,600	102,202	+1,500	-398
Inspector General	6,561	7,200	6,561	---	-639
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	21,658	20,454	20,454	-1,204	---
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	34,198,000	38,109,000	38,109,000	+3,911,000	---
Beneficiary services	100,000	45,929	45,929	-54,071	---
Research and demonstration	38,000	27,000	27,000	-11,000	---
Administration	2,973,300	3,017,000	2,986,900	+13,600	-30,100
Subtotal, SSI program level	37,309,300	41,198,929	41,168,829	+3,859,529	-30,100
Less funds advanced in prior year	-11,080,000	-12,590,000	-12,590,000	-1,510,000	---
Subtotal, regular SSI current year	26,229,300	28,608,929	28,578,829	+2,349,529	-30,100
Plus User Fee Activities	120,000	124,000	124,000	+4,000	---
Total, SSI, current request	26,349,300	28,732,929	28,702,829	+2,353,529	-30,100
New advance, 1st quarter, FY 2006	12,590,000	10,930,000	10,930,000	-1,660,000	---
Total, SSI program	38,939,300	39,662,929	39,632,829	+693,529	-30,100
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	4,070,369	4,454,000	4,412,700	+342,331	-41,300
HI/SMI Trust Funds	1,147,705	1,284,000	1,272,500	+124,795	-11,500
Social Security Advisory Board	1,800	2,000	2,000	+200	---
SSI	2,973,300	3,017,000	2,986,900	+13,600	-30,100
Subtotal, regular LAE	8,193,174	8,757,000	8,674,100	+480,926	-82,900
User Fee Activities (SSI)	120,000	124,000	124,000	+4,000	---
Total, Limitation on Administrative Expenses	8,313,174	8,881,000	8,798,100	+484,926	-82,900
MEDICARE REFORM FUNDING					
HI/SMI trust funds mandatory spending 5/ 6/	(500,000)	---	---	(-500,000)	---
Medicare reform contingency fund 7/	---	100,000	---	---	-100,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
OFFICE OF INSPECTOR GENERAL					
Federal Funds	24,355	26,000	25,748	+1,393	-252
Trust Funds	63,324	66,000	65,359	+2,035	-641
Total, Office of Inspector General	87,679	92,000	91,107	+3,428	-893
Adjustment: Trust fund transfers from general revenues	-3,093,300	-3,141,000	-3,110,900	-17,600	+30,100
Total, Social Security Administration	44,268,511	45,615,383	45,431,590	+1,163,079	-183,793
Federal funds	38,985,313	39,809,383	39,679,031	+693,718	-130,352
Current year	(26,395,313)	(28,879,383)	(28,749,031)	(+2,353,718)	(-130,352)
New advances, 1st quarter	(12,590,000)	(10,930,000)	(10,930,000)	(-1,660,000)	---
Trust funds	5,283,198	5,806,000	5,752,559	+469,361	-53,441
Total, Title IV, Related Agencies	45,959,995	46,864,769	47,057,801	+1,097,806	+193,032
Federal Funds	40,560,289	40,939,064	41,186,574	+626,285	+247,510
Current Year	(27,570,289)	(30,009,064)	(29,856,574)	(+2,286,285)	(-152,490)
FY 2006 Advance	(12,590,000)	(10,930,000)	(10,930,000)	(-1,660,000)	---
FY 2007 Advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	5,399,706	5,925,705	5,871,227	+471,521	-54,478

Title IV Footnotes:
1/ FY 2005 House jurisdiction change--account moved from Transportation-Treasury Appropriations.
2/ Appropriations for Americorps are provided in the VA-HUD bill.
3/ Current funded.
4/ Requested funds for these activities are from previously appropriated funds.
5/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
6/ Available in fiscal years 2004 and 2005.
7/ Two-year availability. Funds may be transferred between CMS and SSA.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
SUMMARY					
Federal Funds	467,973,109	483,869,294	484,176,006	+16,202,897	+306,712
Current year	(374,625,833)	(387,271,603)	(387,178,315)	(+12,552,482)	(-93,288)
2006 advance	(92,947,276)	(96,597,691)	(96,597,691)	(+3,650,415)	---
2006 advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	11,844,869	12,477,283	12,405,505	+560,636	-71,778
Grand Total	479,817,978	496,346,577	496,581,511	+16,763,533	+234,934
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	340,041,821	353,451,511	353,451,511	+13,409,690	---
Less advances for subsequent years	-74,061,975	-77,712,390	-77,712,390	-3,650,415	---
Plus advances provided in prior years	65,883,986	74,061,975	74,061,975	+8,177,989	---
Total, mandatory, current year	331,863,832	349,801,096	349,801,096	+17,937,264	---
Discretionary, total in bill	139,776,157	142,895,066	143,130,000	+3,353,843	+234,934
Less advances for subsequent years	-19,285,301	-18,885,301	-19,285,301	---	-400,000
Plus advances provided in prior years	19,229,267	19,275,301	19,275,301	+46,034	---
Scorekeeping adjustments:					
SSA User Fee Collection	-120,000	-124,000	-124,000	-4,000	---
Vaccines for children legislative proposal	---	-110,000	---	---	+110,000
Medicaid/Medicare offsetting proposals	---	-462,000	---	---	+462,000
HI/SMI user fees	---	-165,000	-155,000	-155,000	+10,000
Medicare Hospital loans	---	---	-200,000	-200,000	-200,000
CDC Management/IT Savings	---	---	-15,000	-15,000	-15,000
Welfare to Work rescission	-176,000	---	---	+176,000	---
H-1B rescission	---	-100,000	-100,000	-100,000	---
75 percent rule scoring	---	---	9,000	+9,000	+9,000
75 percent rule offset in CMS	---	---	-9,000	-9,000	-9,000
Across the board admin. expenses reduction	---	---	---	---	---
ESA Special benefits (offset. collections)	-54	---	---	+54	---
Total, discretionary	139,424,069	142,324,066	142,526,000	+3,101,931	+201,934
Adjustment to balance with 2004 enacted	-252,080	---	---	+252,080	---
Total, discretionary (FY 2004 enacted)	139,171,989	142,324,066	142,526,000	+3,354,011	+201,934
Grand total, current year (incl FY 2004 comparable)	471,287,901	492,125,162	492,327,096	+21,039,195	+201,934
Grand total, current year (incl FY 2004 enacted)	471,035,821	492,125,162	492,327,096	+21,291,275	+201,934

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

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

I will include at this point in the debate the supplemental views that I and my Democratic colleagues wrote on this bill which lay out our concerns about this bill's shortcomings. I think they will be sufficient to explain why so many of us have such grave misgivings about this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of $1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about $3 billion above the current year. That increase was largely allocated to a few areas: providing $1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the additional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K–12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3–8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become ''highly qualified.''

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a $2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually *cuts* NCLB funding $120 million below the Administration's request, while providing only $328 million (1.3 percent) more than FY 2004. In total, the bill provides $9.5 billion less than the funding promised in NCLB.

Fully funding Title 1—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title 1 grants to school districts receive a $1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title 1 appropriations in FY 2005 would still fall $7.2 billion short of the NCLB funding promise—accounting for most of the total $9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at $999 million—only half of the $2.0 billion authorized by NCLB. At the $2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at $681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at $168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at $595 million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a $63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a $21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by $316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly $300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K–12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over $100 million in education initiatives requested by the President.

Special Education

President Bush's Commission on Excellence in Special Education concluded, ''children with disabilities remain those most at risk of being left behind.'' The Committee bill makes progress in fulfilling federal commitments in special education by providing a $1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls $2.5 billion short of the $13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

College Assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at $4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by $99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a $24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the $66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill invests $236 million *less* than the Administration's request and $40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a $25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's $250 million request for the Community College technical training initiative and eliminates the $90 million prisoner reentry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hard-core disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to $696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds $100 million in prior funding, as requested by the Administration, for the H–1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only $5 million to the Administration's request. The $35.5 million provided in the bill includes only $16 million for child labor projects compared with the $82 million allocated in FY 2004.

FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

• The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.

• Rural Health Outreach Grants—which support primary health care, dental health, mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.

• Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.

• Support for training in primary care medicine and dentisty—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.

• The Committee bill does include a small, $5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.

• CDC's childhood immunization program receives a small but welcome $11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.

• Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.

• The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and recompeting research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added $111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the $64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are $45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above $1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added $7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over $1 million. Instead of tax cuts averaging about $127,000, this top-income group would have their tax cuts reduced to an average of $89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

• Invest $1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;

• Invest $200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;

• Invest $1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;

• Provide a $450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;

• Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and

• Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional $200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

• Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health Block Grant, Family Planning, and Community Mental Health Block Grant.

• Avoid any cuts in health professions training programs, add $20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add $35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.

• Eliminate the proposed cuts in rural health programs, and add an additional $19 million to better support rural health clinics, hospitals and emergency services.

• Provide $50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.

• Add $500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.

• Provide $50 million more for child immunization, to help catch up with rising vaccine costs, and also add $50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).

• Add $200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional $70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values are they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

DAVID OBEY.
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Democratic Amendment to FY 2005 Labor-HHS-Education Appropriations

	Increase Above Committee Bill *Dollars in millions*
Education	
Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by $450 to $4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
Total, Department of Education	*$5,553*
Employment and Training	
Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
Total, Department of Labor	*$200*
Health and Human Services	
Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100

	Increase Above Committee Bill *Dollars in millions*
Preserving critical investments in medical research at NIH	500
Maintaining core health care "safety net" programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
Total, Department of HHS	*$1,611*
TOTAL	**$7,364**

Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above $1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging $127,000, this group would receive tax cuts averaging $89,000.

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS
Program Level, $ in millions

	FY 2004 Comparable	FY 2005 Request	FY 2005 Committee	FY 2005 Democrats	Democratic Amendment Compared To: Committee Dollars	Committee Percent	FY 2004 Dollars	FY 2004 Percent
Education Investments								
Title 1 Grants to School Districts	$12,342	$13,342	$13,342	$14,842	$1,500	11.2%	$2,500	20.3%
21st Century After School Centers	$999	$999	$999	$1,199	$200	20.0%	$200	20.0%
IDEA Part B State Grants	$10,068	$11,068	$11,068	$12,268	$1,200	10.8%	$2,200	21.9%
Federal Contribution	*18.6%*	*19.7%*	*19.7%*	*22.0%*	*$0*	*11.7%*	*$0*	*18.3%*
Teacher Quality State Grants	$2,930	$2,930	$2,950	$3,175	$225	7.6%	$245	8.4%
Pell Grants	$12,007	$12,830	$12,830	$15,030	$2,200	17.1%	$3,023	25.2%
Maximum Award	*$4,050*	*$4,050*	*$4,050*	*$4,500*	*$450*	*11.1%*	*$450*	*11.1%*
Comprehensive School Reform	$308	$0	$80	$308	$228	284.6%	$0	0.0%
Subtotal, Department of Education					$5,553		$8,168	
Employment and Training Investments								
Dislocated Worker Assistance	$1,454	$1,383	$1,479	$1,517	$38	2.6%	$63	4.3%
Formula	*$1,178*	*$1,100*	*$1,178*	*$1,216*	*$38*	*3.2%*	*$38*	*3.2%*
National Reserve	*$276*	*$283*	*$301*	*$301*	*$0*	*0.0%*	*$25*	*9.1%*
Employment Service	$851	$763	$763	$851	$88	11.5%	$0	0.0%
International Labor Affairs	$110	$31	$36	$110	$74	209.1%	$0	0.0%
Subtotal, Department of Labor					$200		$63	
Health & Human Services Investments								
Centers for Disease Control:								
HIV/AIDS, STD and TB Control	$1,142	$1,143	$1,149	$1,184	$35	3.0%	$43	3.7%
Immunization	$643	$644	$654	$704	$50	7.6%	$61	9.4%
Infectious Disease Control	$369	$401	$401	$416	$15	3.7%	$47	12.6%
National Institutes of Health	$27,808	$28,541	$28,541	$29,041	$500	1.8%	$1,233	4.4%
Community Health Centers	$1,617	$1,836	$1,836	$1,867	$31	1.7%	$250	15.5%
National Health Service Corps	$170	$205	$170	$190	$20	11.8%	$20	11.8%
Community Access Program	$104	$10	$0	$104	$104	n.a.	$0	0.0%
Maternal and Child Health Block Grant	$730	$730	$730	$770	$40	5.5%	$40	5.5%
Healthy Start	$98	$98	$98	$108	$10	10.2%	$10	10.2%
Family Planning	$278	$278	$278	$295	$17	6.1%	$17	6.1%
Ryan White AIDS CARE Act	$2,065	$2,080	$2,100	$2,130	$30	1.4%	$65	3.1%

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS
Program Level, $ in millions

	FY 2004 Comparable	FY 2005 Request	FY 2005 Committee	FY 2005 Democrats	Democratic Amendment Compared To: Committee Dollars	Committee Percent	FY 2004 Dollars	FY 2004 Percent
Rural Health and Telemedicine	$111	$34	$88	$129	$41	47.2%	$19	16.8%
(Above line restores all programs to FY 2004 level, plus $10 million for Rural Health Outreach, $5 million for Telemedicine, and $4 million for Rural EMS).								
Substance Abuse and Mental Health Services	$3,351	$3,550	$3,392	$3,432	$40	1.2%	$81	2.4%
Dental Care Initiative				$50	$50	n.a.	$50	n.a.
(Above line adds $10 million to National Health Service Corps, $10 million to Rural Health Outreach and $6 million to Health Professions, all for dental care, plus $24 million for Dental Shortage Area Grants under PHSA sec. 340G)								
Nurse Education	$142	$147	$147	$182	$35	23.8%	$40	28.2%
(Above line adds $15 million to scholarship & loan repayments, $5 million each to advanced education nursing and diversity, $4 million each to education-practice-retention and faculty loan repayments, and $3 millon to geriatric nursing.)								
Health Professions Education	$294	$11	$269	$294	$25	9.2%	$0	0.0%
Public Health Emergency Fund	$2,164	$2,225	$2,369	$2,425	$56	2.4%	$261	12.1%
Low-Income Home Energy Assistance	$1,889	$2,001	$2,000	$2,200	$200	10.0%	$311	16.5%
Child Care Development Block Grant	$2,087	$2,100	$2,100	$2,200	$100	4.8%	$113	5.4%
Head Start	$6,783	$6,944	$6,899	$6,979	$80	1.2%	$195	2.9%
Community Services Block Grant	$642	$495	$628	$650	$23	3.6%	$8	1.3%
Community Services discretionary programs	$89	$57	$83	$90	$7	8.8%	$0	0.5%
Refugee & Entrant Assistance	$448	$473	$491	$523	$32	6.5%	$76	16.9%
Older Americans Act programs	$1,374	$1,377	$1,403	$1,473	$70	5.0%	$100	7.2%
(Above line adds $20 million to Supportive Services, $25 million to Nutrition, $10 million to Family Caregivers and $2 million to Native American Caregivers, $4 million each to Native Americans and Protection of Vulnerable Older Americans and $5 million to Alzheimer's Disease grants.)								
Subtotal, Department of Health and Human Services					$1,611		$3,039	
Total					**$7,364**		**$11,269**	

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
Alabama	+$25,610,000	+$2,927,000	+$19,470,000	+$3,700,000	+$41,736,000	+$93,443,000
Alaska	+$4,027,000	+$980,000	+$3,631,000	+$1,108,000	+$1,716,000	+$11,462,000
Arizona	+$27,864,000	+$3,619,000	+$18,163,000	+$4,647,000	+$44,464,000	+$98,757,000
Arkansas	+$18,102,000	+$1,823,000	+$12,075,000	+$2,324,000	+$23,051,000	+$57,375,000
California	+$187,447,000	+$27,678,000	+$133,993,000	+$30,073,000	+$197,728,000	+$576,919,000
Colorado	+$15,473,000	+$1,762,000	+$15,382,000	+$2,639,000	+$24,202,000	+$59,458,000
Connecticut	+$13,794,000	+$1,617,000	+$13,699,000	+$1,853,000	+$11,572,000	+$42,535,000
Delaware	+$4,117,000	+$980,000	+$3,327,000	+$1,108,000	+$3,299,000	+$12,831,000
District of Columbia	+$5,235,000	+$980,000	+$1,673,000	+$1,108,000	+$5,906,000	+$14,902,000
Florida	+$62,613,000	+$9,152,000	+$68,360,000	+$11,462,000	+$108,565,000	+$260,152,000
Georgia	+$48,534,000	+$5,986,000	+$31,929,000	+$6,688,000	+$51,107,000	+$144,244,000
Hawaii	+$5,339,000	+$980,000	+$4,197,000	+$1,108,000	+$5,472,000	+$17,096,000
Idaho	+$5,361,000	+$980,000	+$5,712,000	+$1,108,000	+$11,559,000	+$24,720,000
Illinois	+$50,377,000	+$8,197,000	+$53,266,000	+$8,541,000	+$76,262,000	+$196,643,000
Indiana	+$27,895,000	+$2,542,000	+$26,842,000	+$3,601,000	+$35,923,000	+$96,803,000
Iowa	+$11,507,000	+$980,000	+$12,287,000	+$1,513,000	+$21,923,000	+$48,210,000
Kansas	+$13,770,000	+$1,235,000	+$11,500,000	+$1,583,000	+$18,402,000	+$46,490,000
Kentucky	+$25,154,000	+$2,642,000	+$15,714,000	+$3,078,000	+$30,709,000	+$77,297,000
Louisiana	+$33,963,000	+$4,237,000	+$19,525,000	+$4,588,000	+$40,562,000	+$102,875,000
Maine	+$5,862,000	+$980,000	+$5,507,000	+$1,108,000	+$7,067,000	+$20,524,000
Maryland	+$19,042,000	+$2,602,000	+$21,014,000	+$3,003,000	+$25,430,000	+$71,091,000
Massachusetts	+$26,580,000	+$3,304,000	+$28,570,000	+$3,489,000	+$29,523,000	+$91,466,000
Michigan	+$54,136,000	+$6,220,000	+$43,983,000	+$6,478,000	+$57,125,000	+$167,942,000
Minnesota	+$14,893,000	+$1,488,000	+$20,008,000	+$2,444,000	+$27,174,000	+$66,007,000
Mississippi	+$20,970,000	+$2,461,000	+$13,145,000	+$2,962,000	+$32,644,000	+$72,182,000
Missouri	+$24,977,000	+$2,814,000	+$22,863,000	+$3,700,000	+$35,980,000	+$90,334,000
Montana	+$5,039,000	+$980,000	+$4,000,000	+$1,108,000	+$7,819,000	+$18,946,000
Nebraska	+$7,456,000	+$980,000	+$7,516,000	+$1,108,000	+$10,990,000	+$28,050,000
Nevada	+$6,610,000	+$1,027,000	+$6,830,000	+$1,438,000	+$6,997,000	+$22,902,000
New Hampshire	+$4,234,000	+$980,000	+$4,776,000	+$1,108,000	+$4,913,000	+$16,011,000

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
New Jersey	+$38,083,000	+$4,012,000	+$36,380,000	+$4,676,000	+$39,909,000	+$123,060,000
New Mexico	+$15,676,000	+$1,836,000	+$9,600,000	+$2,011,000	+$16,075,000	+$45,198,000
New York	+$109,210,000	+$19,493,000	+$77,511,000	+$15,198,000	+$149,927,000	+$371,339,000
North Carolina	+$36,827,000	+$4,264,000	+$33,389,000	+$5,754,000	+$51,779,000	+$132,013,000
North Dakota	+$3,986,000	+$980,000	+$2,702,000	+$1,108,000	+$6,214,000	+$14,990,000
Ohio	+$58,614,000	+$6,240,000	+$50,213,000	+$7,074,000	+$68,552,000	+$190,693,000
Oklahoma	+$19,662,000	+$2,184,000	+$16,170,000	+$2,804,000	+$29,482,000	+$70,302,000
Oregon	+$21,693,000	+$2,077,000	+$14,341,000	+$2,297,000	+$22,828,000	+$63,236,000
Pennsylvania	+$59,457,000	+$6,595,000	+$47,480,000	+$7,052,000	+$70,915,000	+$191,499,000
Puerto Rico	+$58,352,000	+$7,240,000	+$11,102,000	+$8,446,000	+$80,026,000	+$165,166,000
Rhode Island	+$6,640,000	+$980,000	+$4,402,000	+$1,108,000	+$7,982,000	+$21,112,000
South Carolina	+$24,387,000	+$2,606,000	+$18,338,000	+$3,068,000	+$27,780,000	+$76,179,000
South Dakota	+$4,589,000	+$980,000	+$3,219,000	+$1,108,000	+$6,674,000	+$16,570,000
Tennessee	+$27,048,000	+$3,164,000	+$24,995,000	+$4,127,000	+$37,513,000	+$96,847,000
Texas	+$126,201,000	+$17,610,000	+$99,459,000	+$20,053,000	+$139,937,000	+$403,260,000
Utah	+$8,060,000	+$980,000	+$12,058,000	+$1,477,000	+$21,598,000	+$44,173,000
Vermont	+$3,763,000	+$980,000	+$2,605,000	+$1,108,000	+$3,452,000	+$11,908,000
Virginia	+$26,950,000	+$3,065,000	+$29,659,000	+$4,192,000	+$36,975,000	+$100,841,000
Washington	+$25,650,000	+$2,656,000	+$25,032,000	+$3,681,000	+$32,436,000	+$89,455,000
West Virginia	+$14,604,000	+$1,470,000	+$7,644,000	+$1,408,000	+$15,180,000	+$40,306,000
Wisconsin	+$25,618,000	+$2,477,000	+$22,012,000	+$3,001,000	+$24,620,000	+$77,728,000
Wyoming	+$3,847,000	+$980,000	+$2,734,000	+$1,108,000	+$3,361,000	+$12,030,000
TOTAL APPROPRIATION	+$1,500,000,000	+$200,000,000	+$1,200,000,000	+$225,000,000	+$2,200,000,000	+$5,325,000,000

Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.

Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), a member of the subcommittee.

□ 1215

Mrs. LOWEY. Mr. Chairman, I rise in support of the fiscal year 2005 Labor-HHS bill, and I first want to express my appreciation to the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY). They are men of principle, great fairness and determination. It is a pleasure serving with them.

I also want to take a moment to convey my admiration for the gentleman from Florida (Chairman YOUNG). After years of leading the Committee on Appropriations in a fair, bipartisan manner, my good friend is leaving the chairmanship at the end of the year, and while I look forward to continuing to work with the gentleman from Florida (Mr. YOUNG) in the future, I want him to know how much his leadership will be missed.

I also want to thank the staff on both sides of the aisle who continue to be so very helpful.

My colleagues, the programs funded in the Labor-HHS bill are critical, as we heard discussed by the gentleman from Ohio (Mr. REGULA). We provide the children of working parents with safe places to go after school. We lead the world in biomedical research. We recruit young professionals into nursing, a profession with a looming shortage that will affect all Americans who seek health services.

We allocate resources to State and local health departments, as well as hospitals, so they are equipped to respond to a mass incident, for which most are only modestly better prepared than they were on September 11.

We prevent our most vulnerable from having to choose between food and heat. We help put kids through college, a pinnacle of the American dream.

These activities benefit every member of our society. However, because of the limited allocation provided by the Committee on the Budget, many important needs will remain underfunded.

For example, last year Congress did not fulfill its obligation to fully fund the Title I program which serves the poorest children in America, and because of that, more than half our Nation's school districts from Kansas to Minnesota, North Dakota to Pennsylvania, Missouri to Yonkers, New York, in my district, received less Title I from one year to the next. We can expect similar funding cuts for schools across the country in fiscal year 2005 because the bill falls $7.2 billion short on the amount authorized under the No Child Left Behind Act.

Despite a 26 percent tuition increase in the last 2 years, the bill freezes the maximum Pell grant for low-income college students for the second year in a row and cuts Perkins loans by $99 million below last year's level.

Even though every school administrator and teacher I talked to pleads for additional special education funding to meet the growing demands, the bill falls $2.5 billion below the Republican promise made last year in the IDEA reauthorization bill.

At a time when our Nation is desperate for additional nurses and schools of nursing cannot accommodate the increased number of applicants, an additional $5 million for nurse education and training will help only a fraction of the 18,000 candidates denied admission last year because there are not enough instructors to teach them.

Earlier this year this administration circulated a memorandum indicating that the 2006 spending cuts outlined in this year's budget will be implemented. That means huge reductions in spending on health, education, and labor are just around the corner.

Mr. Chairman, in closing, I also want to express my continued concern with the Weldon refusal clause provision. For over 30 years, there have been Federal laws that allow doctors, nurses and hospitals to refuse to provide abortion services because of their religious beliefs, as it should be. However, just as the law protects religious or moral objections, it protects the rights of patients, ensuring that women have access to accurate and complete medical information when making decisions about their own health. The Weldon provision would unravel these protections, gutting the patient protections included in the Title X family planning program, which require that all legal options are presented to a woman. It is my hope that this provision will be stripped from the final Labor-HHS spending bill.

Mr. Speaker, although I did discuss some significant flaws, I will support final passage, and I have said many times that I am truly honored to be a member of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies. I believe that we have tried to work as a team and make the most of the inadequate allocation provided to us by the leadership.

I also continue to hope that through floor consideration today, Senate consideration and during conference we will continue to work together as a team to make additional improvements to the bill.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a very valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, as usual, the next 2 days of debate on the Labor-HHS education bill will be instructive.

First, the basics. We will authorize in this bill spending of $142 billion plus for health, for education and for the American workers of this country in three major departments. This amounts to $3 billion more than we spent last year, Mr. Chairman, an increase in the discretionary spending in these 3 areas of 2.4 percent. At the same time, we are keeping it within the subcommittee allocation and the limits of the budget resolution, and I think the chairman is to be commended for that.

I have enormous respect for the leadership of this subcommittee on both sides of the aisle, certainly for the chairman, but also for my friend on the Democratic side who just spoke and for the ranking minority member.

What we will hear today amounts to sincerely held views and what it really comes down to, in the long run, is a difference in philosophy.

I have been on this subcommittee for 10 years now, the 10 years that the Republicans have been in the majority in this Congress. And each year when this bill comes up, the majority puts forward a bill that spends an amount of money over and above the last year, and our friends on the Democratic side of the aisle object to the bill based on the fact that they would like to spend more money and tax more.

When they object to the bill, Mr. Chairman, they will often say that it is not really the fault of the leadership of this committee, not the fault of the chairman of the full committee or the subcommittee; that it is the underlying budget we adopted earlier which is at fault. What they really mean when they say this is that they wish a budget had been adopted so that taxes could be higher and that Federal spending could be higher, and indeed, that is the basic difference in philosophy on the two sides of the aisle.

Beginning in 2001, when we realized we were coming into a recession, and then certainly after 9/11 and the tragedy and the cost of that event, this majority on the Republican side decided to reduce the tax burden on Americans, reduce the tax burden on families with children, reduce the tax burden on married couples by eliminating the marriage penalty, reduce the tax burden on lower income workers and on every American who pays income tax, and, yes, to reduce taxes on the job creators.

What has that gotten us during this time? What it has gotten us, according to Chairman Greenspan's testimony before the Committee on the Budget just this morning? Chairman Greenspan said, We are in a period of moderate to excellent economic growth and the shallowest recession in postwar history.

I would submit that this is the program we need, and is why we have adopted the budget and why we should adopt the bill today.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, of all the appropriations bill this body considers every year, it is the Labor-HHS and Education appropriations bill that best represents our Nation's investment in the future. Education, health care, medical research, job training, these are the things that bind us as a

society and play formative roles in determining the course of this country.

So the choices that we make in this bill can help to expand opportunity for generations to come, making Americans live longer, healthier, more productive lives. That is the power of this bill.

At a time when so many families are faced with the rising costs of health care and college tuitions, a sluggish economy and falling wages, this bill has the opportunity to strengthen the economic, health and retirement security for every citizen in this country for generations to come.

Unfortunately, this bill provides $9.5 billion less than the funding promised in the No Child Left Behind Act, and most of the shortfall is in Title I, which serves low-income children and schools with the greatest educational challenges. With an average 26 percent tuition increase in the last 2 years at 4-year public colleges and universities, this bill misses a real opportunity to impact families' lives. It freezes the Pell grant and college work study assistance program and cuts the Perkins loan program.

With a hesitant economic recovery that is creating too few jobs, jobs that generally pay $9,000 less than the ones lost, we should be giving our 8 million unemployed workers the tools that they need to retrain for this new and changing economy. Instead, this bill invests $236 million less than the administration's own request for employment and training assistance programs, including a devastating cut of $88 million to the Employment Service, almost 10 percent, the building block for the Nation's one-stop employment centers.

The shortfalls continue with appropriations for the Departments of Health and Human Services in the area of the National Institutes of Health. A few years ago, we were actually making good on the commitment to double that budget, but now we are barely keeping up with inflation. What that means is medical researchers, racing for lifesaving cures to diseases like cancer, Alzheimer's, diabetes, find themselves having to cut corners so that they can complete their research. NIH's ability to continue its support for clinical trials will be endangered.

I was someone who was diagnosed with the deadliest of all gynecological cancers, ovarian, more than 18 years ago. I know firsthand how this research can save lives. It changed and it saved my life. That is the power of the NIH.

I have said it before. For all their virtues, tax cuts do not save lives. Now, with our Nation at war, our economy failing millions of families, we are seeing the price all Americans have paid for these tax cuts. Child care funding is back to where it was 3 years ago. Home energy assistance is budgeted where we were 2 years ago, and Head Start, which can only serve half the eligible children, is cut in real dollar terms. Tax cuts are quite literally mortgaging the future we pass on to our children and our children's children.

No appropriations bill touches the American family like this. I believe we have a moral responsibility to do better for the people of this country with this bill than we are.

Mr. REGULA. Mr. Chairman, for the moment, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I would like to thank my ranking member, also the chairman of the committee, for bringing this bill up today.

I rise to highlight an important program that this bill fails to fund. The Congress has supported and funded the Community Access Program since its inception in 2000. The CAP program, the Community Access Program, has provided communities with much-needed grant funding to provide both preventive and primary care to their uninsured populations.

In communities like mine in Houston, and literally hundreds across the country, we utilize this funding to put together the necessary consortium or groups to help solve our health care access problems. For-profit, nonprofit and public health agencies coordinate services using CAP funds.

Unfortunately, this bill completely eliminates the CAP program at a time when the level of uninsured individuals in this country has reached 44 million and is growing. Now is not the time to cut off access to this important primary and preventive health care service in our communities.

Without this health care access, our uninsured constituents tend to seek health care from our hospital emergency rooms, where costs are skyrocketing and beds are scarce.

This is truly a case where an ounce of prevention is worth a pound of cure.

I thank the committee for its work to increase funding for community health centers, which received $218 million over the President's request, and that is great.

While the Community Health Center and Community Access Programs share similar missions, the Community Access Program really helps coordinate the services, whereas community healthcare centers are really important to a growing number in our community and even need more.

I urge our colleagues on the Committee on Appropriations to restore funding for the CAP program.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I simply want to say that I agree with the remarks of the gentleman from Texas, and I hope the committee will listen to what he said.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

□ 1230

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time and for his very good and hard work on this bill. I thank the chairman of the committee, as well, for working against tremendous odds.

There was a previous question that focused on the Obey amendment that could not be offered. I will call it the millionaires amendment that would have helped restore some balance in paying for programs which the American people place particular priority on. I just want to use one of those programs to vivify my concern, and the concern, of course, comes because, unlike the Obey amendment, we are growing the deficit. The deficit is like a child you do not see grow, and then one day you say, oh, my, how you have grown. By that time, of course, the deficit could bring down our economy. So it is important to do what the Obey amendment would have done.

What the committee has done is to barely save, and I have come to thank you for saving the so-called VERB program, a program that deals with the most serious public health problem in the United States today, obesity and overweight. All this Congress has done for this problem is the so-called cheeseburger bill, the absurdity of suing somebody because you are too fat. But we are leaving people to their own devices.

The experts say that by 2005 obesity and overweight will have overtaken smoking as the leading cause of death. At least for our children, you have left in the bill, instead of allowing the administration to kill the so-called VERB bill, and all VERB stands for is action. There has been a 42 percent increase in obesity among children in the last 25 years. It takes $85 million to keep this program going. You have put $65 million in this rigorously evaluated program that is only now in year 3 of its 5-year period.

But the rigorous evaluation shows an increase in physical activity of at least 35 percent among children. So I thank you for saving this program and hope that adults will be saved sometime in the future.

Mr. REGULA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this Labor, Health and Education bill is supposed to be that portion of the budget which invests in our children, which opens the door of opportunity for young people, which opens the door to the doctor's office or to the hospital for people who live life on its underside and do not have access to regular health care. It is supposed to protect the interests of workers. This bill falls far short on all fronts.

This bill does nothing to help workers, to protect workers against the efforts of employers to chisel on overtime pay. It falls billions of dollars behind the No Child Left Behind legislation in terms of meeting our obligations to support the education of our

children. It brings to a screeching halt the healthy expansion of after-school programs. It does, in so many ways, fall short of where we ought to be; and it does that because the majority, as I said earlier, has made a decision that its top legislative priority is ever more and always to provide very large tax cuts to people who are already very well off.

I really believe that there is no way to fix this bill, because this bill is the result of two past decisions. It is the result, as the gentleman from Ohio has said, it is the result of the Republican majority's passing a budget resolution which provides inadequate room for education, health, and worker-protection programs. It is also the result of the second vote which occurred on this House floor just a few weeks ago on a resolution that I offered to try to amend that budget resolution so that it would be a somewhat more progressive product that we could be proud of.

At this point, the only way that you could help this bill is to move it on to the Senate in the hopes that the Senate will provide better numbers so that in conference we can provide more resources for education, health care, and worker-protection bills that are so crucial to the welfare of this country's population.

I would say, Mr. Chairman, that there is only one way in the long term that we can fix this problem, and that is to put a different person in the White House and a different majority in the House of Representatives and the Senate. Because what is really at stake in this election, in my view, as someone said on the other side of the aisle, what is really at stake is whether or not this country is going to continue to build a social safety net for the middle class, for the broad working class of this country, or whether we are going to say, in effect, ''Sorry, but everybody is going to be on their own. You are going to rely on the luck of the draw. If life treats you happily, you will come out as one of life's winners; and if life does not treat you so happily, sorry, but you are on your own. We have no obligation to help in any significant way.''

This bill does a number of things for people, but it does not do nearly enough to meet the rising challenges that we have. And I regret very much that we are in that position, but there is not much we in the minority can do to change it except to make clear what is happening. So I urge Members to remember that as we go through the bill this afternoon.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume to remind my colleagues that in what is a relatively short period of 9 years, the total of this bill has gone from $65 billion to $143 billion. That is a dramatic increase, and I think it recognizes the commitment on the part of Members on both sides that these are important issues that we are addressing in this bill. But I think it also reflects the fact that we have a caring approach.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), a very valued member of the subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to congratulate the chairman. We have a difficult budget year this year; and he has managed to cobble together, I would have to say almost like a skilled surgeon, I may be the doctor on the committee, but he handled this with the dexterity of a skilled surgeon, balancing the critical issues of education, health, and research against the budget realities.

Mr. Chairman, we are coming out of a recession. And to the gentleman of Wisconsin, I would simply say it is really unclear to me if we had not cut taxes that we would have more money in this bill. I think if we had not cut taxes, the economy would be in a worse slump and that we indeed would have less revenue, not more revenue.

Conflicting priorities are always a challenge for the Congress. The gentleman from Ohio has achieved the right balance. I know it is not a perfect bill, but I think this is our best shot at getting this bill moving.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute, and I would simply say to the gentleman the issue is not whether we should have cut taxes. Obviously, any time the economy is underperforming, it is perfectly legitimate to cut taxes over the short term. FDR invented that, and I am fully subscribed to that Keynesian approach to economics.

What I do not subscribe to is the idea that in the context of cutting taxes we have to give people who make $1 million a year a $127,000 tax cut. I think we could very well limit the size of that tax cut. That is the only tax cut that we have objected to and tried to change in order to finance this bill.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I know the gentleman from Wisconsin and I have discussed this issue in the past. The reason I think that was the right economic priority is because most of those people, at least in my congressional district, are small businessmen and women; and they take most of those funds and pump them back into their businesses, creating jobs. Most of the job growth has been in the small business sector, and I think it was the right thing to do.

Mr. OBEY. Mr. Chairman, I yield myself 1 additional minute, and I would simply say in response that a very small portion of the people who would be affected by our amendment are small businessmen. Very small portion. The fact is that this House has to make a choice. Do we think it is essential to provide a $120,000 tax cut to people making over $1 million a year; or do we think that we ought to use some of that money to provide better opportunity for education, better health care for 45 million people that do not have it, and some additional protection for our workers in what is becoming every day a more and more brutal world market?

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding me this time, and I rise in support of the Labor-HHS bill today. While I feel the bill falls short in many areas, particularly in education, I will support the final bill. However, I would also like to rise today and speak to an issue that has great personal meaning to me and has been ignored by our House leadership.

While my amendments reauthorizing the assault weapons ban have been found nongermane, I will still be speaking to it, because so few opportunities remain to do anything about it before it expires on Monday.

One week from today, I will be able to purchase an assault weapon from any number of Web sites and from our local gun stores, which means our gangs and our police officers, and I just came back from a press conference with the police chiefs and the rank-and-file officers, and, unfortunately, many victims, all calling on our President to make some calls over here to the House so that we can bring the bill up for a vote.

A poll released this weekend by the National Annenberg Election Survey says two-thirds of Americans support keeping the assault weapons bill in place. And, in fact, 57 percent of gun owners support the ban, putting to rest the notion the ban is somewhat a threat to our second amendment.

Not one sportsman has missed a day in any hunting season due to the ban on assault weapons. President Bush says he supports the ban, but so far he has been doing the talk, but he has given us no action on it. The ball is in the President's court. He needs to pick up the phone and put renewing the ban on to the House floor. Only President Bush can stay the assault weapons ban execution.

Almost every law enforcement agency in the country supports renewing the ban. That is all the evidence I need to be convinced the ban is working. The most immediate challenge relating to the ban expiring is our police departments, who are saying they are not ready for this to expire. It is basically our police officers who are out there protecting us against terrorists and gangs, who protect our lives every day on the front lines that will be facing these assault weapons when they come back on the streets.

Since assault-style weapons do not need to be aimed, are designed to be moved back and forth in a sweeping

fashion in order to rain bullets on an area instead of a specific target, gang violence will become more reckless, with many more innocent bystanders caught in crossfires.

Police departments will have to reoutfit their squad cars, purchase new bulletproof vests, and make other expensive preparations for the ban's expiration.

Many currently banned weapons have multiple-capacity clips, holding up to 30 rounds of ammunition. Many State laws, including my State of New York, limit our hunters to six rounds in a clip. Deer are given a better chance of surviving than our police officers.

With the Bush budget intent on slashing grants to local police departments and its reluctance to push for extending the ban, the administration is depriving our police officers of the support that we need.

Mr. REGULA. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 9½ minutes remaining.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), a great member of our subcommittee.

Ms. GRANGER. Mr. Chairman, I rise in strong support of this bill. It has some very important programs in it. Specifically, one that I have been involved in is the provision of a $2 billion increase from fiscal year 2004 for the Department of Education to continue support for effective reading programs and better technology in the classroom.

Mr. Chairman, I have been to the schools in my district that have used this technology, and as a former teacher I can tell you that it strengthens what a teacher is able to do, particularly with students with problems. The other thing it provides that is very important, I think, is the VERB program. The VERB program came to my district this summer and addresses the serious health dilemma facing our young people, and that is the rise of obesity.

□ 1245

It is a very successful program which encourages children to be more physically active. They sent a truck out to Six Flags Over Texas, and I met the children there. They were able to pick out the verb that they wanted to use that was fun, whether it was basketball, dancing, skateboarding, running. They put excitement in exercise, and that is how VERB is working, and that is how VERB has contributed to a 34 percent rise in free time of physical activity of 9 and 10 years old in a target area. I approve this, and I certainly appreciate the work on the bill.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce and a great colleague from Ohio.

Mr. BOEHNER. Mr. Chairman, let me congratulate the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY), and the other members of the Committee on Appropriations for a job well done on what is a very large bill and a very difficult bill.

There has been much said today about education, and the good news is No Child Left Behind is working and working very well. As we see the preliminary results coming in from around the country, we are seeing increased test scores in both reading and math, especially for our most disadvantaged children. If we look at where the Federal education dollars go, by and large, they are aimed at those very children, those disadvantaged children who need that extra help to have a chance at a good education.

But while the news is good from No Child Left Behind and test scores are going up, there has been this chorus of criticism from some of my colleagues about the fact that it is underfunded and we are not spending enough. It is easy to stand here in the well of the House and talk about how the glass is half empty, but I am here to suggest it is almost full.

If we look at this bill, there is a $2 billion increase in overall education funding in this bill, bringing the total amount for education spending to the Department to $57.7 billion. Now that means in President Bush's first term in office, in just 4 years, the Department of Education's overall funding will have increased by $15.5 billion. If we look back over the 9.5 years Republicans have been in control of Congress, we see education funding has skyrocketed by some $23 billion. That is an increase of more than 150 percent under the Republican Congress. Much of this increase in spending can be attributed to those programs in No Child Left Behind.

The most significant program the Federal Government operates to help disadvantaged children under No Child Left Behind is title I. Again this year we see another $1 billion increase in Title I, about 8 percent over last year's level. If we look at what has happened over the 4 years that the President has been in office, we will see these massive increases. But we can go back all of the way to the 10 years Republicans have been in Congress, and see that we have increased spending for Title I for disadvantaged children by some 96 percent. And the funding increases in just the first 2 years of President Bush's term in office far outstrip the 8 years of the previous administration. Title I increases are continuing. That is our commitment to helping the disadvantaged students in our society get the kind of education they all deserve.

Then we have special education. When Republicans took control of Congress in 1994, we were spending $2.3 billion a year to help special ed students around the country. This is 20 years after a Supreme Court case and Congress passing the Individuals with Disabilities in Education Act but never really funding it. Over the last 10 years, we have increased funding from $2.3 billion to this year $11.1 billion. That is a 378 percent increase in help for those students with special needs.

I believe that the money we are spending to help our special-needs students and our disadvantaged students is money well spent because if we really truly believe no child should be left behind, the Federal Government has to do its share.

I am here to say that I believe the Federal Government is doing its share. We have had our increases over the last 4 years, we have kept our commitments to our Nation's students. I would ask all of my colleagues today to stand up and support these numbers and support our bill.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would simply like to say that I react to the gentleman's numbers with a touch of humor because the argument he makes is similar to the child who kills his parents and then throws himself on the mercy of the court because he is an orphan. The fact is if you look at the historical record over the last 10 years, if the House Republican majority had had its way, we would have appropriated about $20 billion less for education over the last 10 years than the Congress wound up appropriating. The House Republicans had to be led kicking and screaming into supporting the increases which he now tries to claim credit for.

I would point out this is the same Republican majority which tried 10 years ago to abolish the Department of Education and tried to make savage cuts in education 3 years in a row before they finally got religion.

I would also point out that in President Bush's first year, it was the Democrats who led the effort to add $4 billion to the President's education budget, and I am happy to say we finally persuaded the Republican majority to agree with our request.

If the House Republicans had had their way, $3.4 billion less would have been spent on education of the poorest children in America than was actually appropriated, and 1 million low-income children would have been eliminated from the Title I program; $3.1 billion less would have been spent on the education of children with disabilities than was actually appropriated if the House Republican majority had its way; $524 million less would have been spent on safe and nurturing places for children in the after-school hours than was actually appropriated if the House Republican majority had its way; and the maximum Pell grant would have been smaller in 5 of the last 10 years than the level actually approved, again if the House Republican majority had its way.

So I guess I am willing to accept the fact that the Republicans now want to borrow the money that we succeeded in

putting into the education budget and borrow it so they can make on their own competing claims the education budget. I do not much care as long as we've got the money.

With that, Mr. Chairman, I urge Members to find every opportunity possible to support more resources in this bill for education, health care, and worker protection.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

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

Mr. HOYER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

I start by reiterating the observation that the ranking member, the gentleman from Wisconsin (Mr. OBEY), has made. It is very nice to get up and say with a chart, this is what we have spent. Those figures are undoubtedly accurate. What is not accurate, as the gentleman from Wisconsin (Mr. OBEY) so correctly pointed out, was that those were not the figures that the Republican House budget proposed in years past. In point of fact, when they talk about the 10-year period of time, the fight almost every year between the Clinton administration and the Republican House and sometimes Senate was that we had not put in sufficient funds to meet our obligations as it relates to education, Title I and other educational objectives. Invariably, the President got his way. So, yes, the figures are higher, but they are not higher because the Republican Committee on the Budget proposed them as such.

Mr. Chairman, this bill, in my opinion, fails to meet the crucial priorities that the citizens of this great Nation expect and deserve in education, in health care, in medical research, and in many other areas, including the promotion of the quality and safety of work in America.

But as I have said before, this is not the fault, and I reiterate, not the fault of the subcommittee chairman, the gentleman from Ohio (Mr. REGULA). The gentleman from Ohio (Mr. REGULA) neither sits on the Budget Committee, nor, in my opinion, was he very enthusiastic about the Committee on the Budget's product. And it is certainly not the fault of the gentleman from Florida (Mr. YOUNG). As a matter of fact, earlier this year the gentleman from Florida (Mr. YOUNG) made the correct observation that the budget was not real, and the numbers projected in the budget were insufficient to meet the obligations of the Committee on Appropriations to provide for the needs of the American people. That was the chairman of our committee speaking.

Instead, this bill's deficiencies have been caused by the Republican majority's irresponsible and unrealistic budget resolution for fiscal year 2005. This is not an unusual budget resolution. It is a political document, not a fiscal document. It was made for the purposes of making political points, not for investing in our people. It abandons fiscal discipline and makes crucial investments in the American people virtually impossible.

One would think that, because the Republicans have been in charge and they have proposed not spending appropriate funds even though they say they are going to, that we would have saved a lot of dollars. But in point of fact, as the whole country knows, we have been going deeply into debt over the last 40 months. In fact, the President's acceptance speech in New York says he wants fiscal restraint, but he has led this country, along with the Republican majority in this House and this Senate, from a $5.6 trillion surplus to a $3 trillion to $4 trillion deficit in 40 months. That is almost a $10 trillion turnaround from fiscal responsibility to fiscal irresponsibility in less than 4 years.

Despite the rhetoric coming from the other side of the aisle, the inescapable fact is that this bill underfunds the bipartisan No Child Left Behind Act by at least $9.5 billion this year. That is in the authorization bill, they imposed a mandate on the States. I supported that bill. We want accountability, we want performance, we want quality education for every one of our children. We said we are going to require you to do certain things, States, but we are going to give you resources to help you accomplish those objectives. We are $9.5 billion short in that promise, and $25 billion short over the last 3 years, short from what the President, in signing the authorization bill, said we were going to do.

Unfortunately, we are falling behind in other areas as well. At a time when this Congress and this administration proudly tout the doubling of National Institutes of Health just a few years ago, NIH today only gets the President's request level. This represents the smallest increase in NIH funding in 19 years. As all of our citizens know, NIH is charged with the responsibility of finding a cure for cancer, making heart disease less fatal, finding a cure for diabetes, seeing if we can find how to prevent Alzheimer's disease, and responding to the AIDS crisis in this country and around the world.

□ 1300

We are short-funding those critical efforts that afflict and threaten our people. Moreover, it is simply not enough to keep up with the medical inflation and will force NIH to lose momentum on the scientific progress they gained from the doubling that Republicans and Democrats all so proudly talked about.

In addition, Head Start, a program that Ronald Reagan said was a success, George Bush I said it was a success, and Bill Clinton clearly said it was a success, is cut by $45 million below the President's request. Thousands of children will have no seat in Head Start, notwithstanding the fact that we think it works. Ryan White HIV/AIDS programs are largely frozen. The maximum Pell grant is frozen. And the Department of Labor is slated for an overall cut of $98 million.

My friends, this bill is insufficient. It may well be better than a continuing resolution, but it is insufficient to meet our obligations and responsibilities. How sad it is that we pass the people's bill with insufficient resources to meet the people's needs.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time. One comment I would like to make, we are talking about a lot of programs here and an effort to improve education, but the bottom line is that the real work is done in the classroom. I just want to pay tribute to the teachers of America. I think we are so fortunate to have the dedicated people that are in the classroom. I have met many of them, as have you. As I said earlier, when I ask at a meeting, how many of you had a teacher that impacted your life, every hand in the room goes up.

So what our job is, with programs, provide support for those people that are out there and are dedicating their efforts and their lives to young people of this Nation, and we should say a big thank you to all of them.

Mrs. CHRISTENSEN. Mr. Chairman, I join my colleagues today in opposition to H.R. 5006, the LHHS appropriation bill. We know that Congress has many priorities to consider during this fiscal year. And we implore Congress to make eliminating health and healthcare disparities top priorities. This HHS bill, unfortunately, does not contain such investment in the health and welfare of Americans nor does it demonstrate unwavering commitment to well-being of our citizens, including those most in need. With this bill, it is clear that the Republicans do not see America's greatest asset is its people, and refuse to invest in making its people as strong and healthy as possible.

Let me say at the outset, Mr. Chairman, that this great country of ours ranks at the bottom of all of the industrialized countries of the world with regard to the quality of our health care system, we are not where we should be given our resources in infant mortality, HIV/AIDS, immunization, substance abuse and many of the major diseases. In most cases the reason is because more than one third of our population remains outside of the healthcare mainstream.

Today almost 45 million Americans are uninsured, of which 50 percent are minorities: 18 percent of the total elderly population has no coverage at all; 1 out of 6 Americans does not have health insurance; more than 100,000 people lose their health insurance every day; and an astounding 23 percent of African Americans have no insurance at all.

Our health care system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for African Americans who for almost every illness are impacted most severely and disproportionately—in some cases more than all other minorities combined. Every day in this country

there are at least 200 African American deaths, which could have been prevented. Today we know that must of it happens because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us—not only in the private sector but in the public system as well.

What I am here to try to do today is to leave you with one indelible message: that there are gross inequities in healthcare which cause hundreds of preventable deaths in the African American community every day and which tear at families, drain the lifeblood of our communities, and breed an escalating and reverberating cycle of despair which this subcommittee has the power to end this today if it has the will to do so.

The choice if it can be considered that, is either to write off human beings—our brothers and sisters—who make up this segment of our population, or to make the requisite investment in fixing an inadequate, discriminating, dysfunctional health care system.

The current strongly held-to ''cost-containment'' paradigm, while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in its costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got sicker, the sicker, i.e. more costly, were and still are being dropped, and those who were the sickest were and remain locked out entirely. So not only are health care costs continuing to escalate, the overall health picture in this country is worse than ever.

What we now have is a system, which continues the failed paradigm in which African Americans and other people of color who because they have long been denied access to quality health care, now experience the very worst health status. Not doing what is needed to change this is to threaten the health of not just African Americans and other people of color but every other person in this country, especially at a time when we live under the cloud of possible bioterrorism.

Controlling the cost of health care, which can only be done in the long term, will never be achieved without a major investment in prevention, and leveling the health care playing field for all Americans through fully funding a health care system that provides equal access to quality, comprehensive health care to everyone legally in this country, regardless of color, ethnicity or language.

The funding requests I am outlining today are the bare minimum to ensure that our children have the opportunity for good health, that there are health care professionals who can bridge the race, ethnicity and language gaps to bring wellness within reach of our now sick and dying communities, that states and communities will receive the help to fill the gaps and repair the deficiencies of access and services, and which will enable the affected communities themselves to take ownership of the problems as well as the solutions to their increasing healthcare crisis—a crisis that threatens the health and security of all Americans. Yet this bill fails to even meet this baseline obligation.

If we have learned nothing in the last 10 years, we should have learned that cost containment strategies in our unequal system of care can never bring down healthcare costs. We can only ensure that quality health care will be within the reach of future generations if we make a major investment in prevention and increasing access to care now.

On March 20, 2002, the Institute of Medicine (IOM) released a landmark report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care which was requested by Congressman JACKSON. Among other key findings, the report documented that minorities in the United States receive fewer life-prolonging cardiac medications and surgeries, are less likely to receive dialysis and kidney transplants, and are less likely to receive adequate treatment for pain. Its first and most telling finding states that ''racial and ethnic disparities in healthcare exist and, because they are associated with worse outcomes in many cases, are unacceptable.''

And so I urge the committee to give serious and favorable consideration to our funding requests. Because of time limitations, let me focus on just a few areas contained in the request:

Sixty-six million dollars for the Office of Minority Health, OS, DHHS.

As the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities, the Office of Minority Health (OMH) conducts and supports health promotion and disease prevention programs and activities designed to help reduce the high rates of death and disease in communities of color. OMH also serves as one of the focal points for the Department's initiative to eliminate health disparities. By increasing funding to $20.9 million, this office will be able to expand OMH's elimination of health programs in prevention, research, education and outreach, capacity building, and the development of community infrastructure. The increased funding is also needed to fund the State Partnership Initiative Grant Program; Cultural and Linguistic Best Practices Studies; State Health Data Management; Community Programs to Improve Minority Health Grants; Center for Linguistic and Cultural Competence in Health Care; Eliminating Obstacles to Participating in Government Programs; Technical Assistance to Community Health Program; and Community-Based Organization Partnership Prevention Centers.

Two hundred twenty-five million dollars for the National Center for Minority Health and Health Disparities (NCMHD), NIH.

Funding is needed to develop and implement programs necessary to further address minority health and health disparities and to help improve the infrastructure associated with this research and outreach. In addition, the loan repayment payment must be expanded to include master degree graduates from schools of public health and public health programs to ensure that efforts to build and disseminate research-based health information are intensified. As required, the Center is currently developing a strategic plan to guide the Center's efforts. To be effective, the plan must include and reflect the direct input of the NIH institutes and centers; consumer advocacy groups; the public; researchers; professional and scientific organizations; behavioral and public health organizations; health care providers; academic institutions; and industry. The resulting plan is needed to serve as a fundamental blueprint for the Center's activities, as well as a vehicle for helping to ensure a coordinated and effective response to minority health and health disparities.

One hundred twenty million dollars for the Racial and Ethnic Approaches to Community Health (REACH), National Center for Chronic Disease Prevention and Health Promotion, CDC.

The REACH program is a cornerstone CDC initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality. The increase is needed to fund additional Phase I planning grants, Phase II implementation and evaluation grants, expand and enhance technical assistance and training, and apply lessons learned. REACH received 211 applications in its first year, but it only had enough funding to make 31 awards, leaving a very large number of meritorious projects unfunded. REACH must have the resources necessary to capitalize on the strengths that national/multi-geographical minority organizations can provide the initiative.

Three hundred million dollars for the Agency for Healthcare Research and Quality (AHRQ).

At a hearing before the Criminal Justice Subcommittee of the Government Reform Committee on May 21, 2002, AHRQ Acting Director Dr. Carolyn Clancy described the initiatives undertaken by her agency to attack health disparities. One of the most important of these is the EXCEED program, which funds Centers of Excellence to eliminate health disparities in nine cities throughout the country. These include efforts to address diabetes care for Native Americans, health disparities in cancer among rural African American adults, and premature birth in ethnically diverse communities in Harlem, New York. According to Dr. Clancy, ''EXCEED encouraged the formation of new research relationships as well as building on existing partnerships between researchers, professional organizations, and community-based organizations instrumental in helping to influence change in local communities.''

The EXCEED program exemplifies the type of initiative recommended by the IOM report, which urged ''further research to identify sources of racial and ethnic disparities and assess promising intervention strategies'' (Recommendation 8–1). Yet the Administration's 2003 budget would curtail these efforts. In the budget, total AHRQ funding falls from $300 million in 2002 to $251 million in 2003. About $192 million of the AHRQ budget is protected from the cutbacks, meaning that $49 million must be trimmed from the remaining $108 million of spending, a 46 percent cut. The EXCEED program and other research grants to study and reduce health disparities fall into this vulnerable $108 million.

Increase of $14 million for the U.S. DHHS Office of Civil Rights (OCR) and a reworking of authorization language to tie it to disparity work U.S. DHHS Office of Civil Rights to enforce civil rights laws.

Enforcement of regulation and statute is a basic component of a comprehensive strategy to address racial and ethnic disparities in healthcare, but it has been relegated to low-priority status. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant federal statutes and regulations that prohibit discrimination in healthcare (principally Title VI of the 1964 Civil Rights Act),

but the agency suffers from insufficient resources to investigate complaints of possible violations, and has long abandoned proactive, investigative strategies.

Despite an increasing number of complaints in recent years, funding for OCR remained constant in actual dollars from fiscal year 1981 to fiscal year 2003, resulting in a 60 percent decline in funding after adjusting for inflation. The decrease has severely and negatively affected OCR's ability to conduct civil rights enforcement strategies, such as on-site complaint investigations, compliance reviews, and local community outreach and education. Providing a substantial increasing in funding for the Office of Civil Rights is necessary for OCR to resume the practice of periodic, proactive investigation, both to collect data on the extent of civil rights violations and to provide a deterrent to would-be lawbreakers.

Increased funding for Initiatives for Health Professions Training: (1) $40 million for the Health Careers Opportunity Program ($5.2 million increase); (2) $40 million Minority Centers of Excellence ($7.4 million increase); (3) $52 million for Scholarships for Disadvantaged Students ($5.8 million increase); and (4) $3 million for Faculty Loan Repayment and Faculty Fellowships ($1.67 million increase).

Diversity in the health professions offers numerous benefits, including ''increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals''. (IOM Report). Such efforts were supported by HHS in the past, but now are threatened with extinction.

The spring 1999 issue of the HHS Office of Minority Health's newsletter Closing the Gaps focused on the theme of ''Putting the Right People in the Right Places.'' The newsletter highlighted the startling under representation of ethnic and minority groups within the health professions and stressed the important role of three programs: (1) the Health Careers Opportunity Program, which trains more than 6,000 high school and undergraduate students each year and is associated with acceptance rates to health professional schools that are 20 percent higher than the national average; (2) the Minority Faculty Fellowships Program, which addresses the problem that ''just four percent of faculty at U.S. health profession schools are minorities''; and (3) the Centers of Excellence Program, which works with Historically Black Colleges and Universities and Hispanic Serving Health Professions Schools to ''recruit and retrain minority faculty and students, carry out research specific to racial and ethnic minorities, provide culturally appropriate clinical education, and develop curricula and information resources that respond to the needs of minorities.''

Unfortunately, the very same programs highlighted by HHS in 1999 as successful have disappeared from the President's 2004 budget. In fact, all of these programs received zero funding or are scheduled for elimination.

To insure that no one is denied necessary health care because of race, ethnicity or language, they must have the tools to do their job. Bringing equity into our healthcare system demands a funding increase for this office.

Fifty million dollars for Territorial Hospitals and Health Departments.

Mr. Chairman, years of Medicaid caps have and continue to create a crisis in the healthcare systems in the offshore territories. To address and resolve this, last year I requested that the sum of $50 million be made available to the secretary for territorial hospitals and health departments to close some of their critical health care gaps and repair infrastructure deficiencies. I repeat this request again for this year's appropriation.

Because of the Medicaid cap, and a match that is not indexed for average income level, both which are Congressionally set, we are unable to cover individuals at 100 percent of poverty—for the Virgin Islands it is closer to 30 percent below that income level. Under the cap, spending per recipient is at best one-fifth of the national average.

Our hospitals are struggling, because the cap prevents them from collecting full payments for the services they provide, and they are also unable to collect Disproportionate Share payments, despite the fact that about 60 percent of their inpatients are below the poverty level. About one-third of these qualify for Medicaid, which as I indicated before, never fully reimburses them. The rest of their patients have no coverage whatsoever.

Long-term care is limited, and thus unavailable to persons and their families who need it, not because the rooms are not there, but because we do not have enough Medicaid dollars to pay for them, even though the federal funds are matched 2 to 1 by local dollars—far above our requirement. While many states are covering women and their minor children well above the 100 percent of poverty, we cannot even come close.

Along with my fellow representatives from Guam, American Samoa and Puerto Rico, I have introduced bills to both remove the Medicaid Cap as well as, for the first time, provide for the creation of a Disproportionate Share payment to our hospitals.

Our final request, Mr. Chairman, once again deals with the Minority HIV/AIDS Initiative. We are here today once again to request funding for the full amount of our request for the MAHI in the amount of $610 million. While our review of the current programs demonstrates the need for increased funding, in light of our other requests which all have the potential to impact this epidemic to some degree, and the budgetary constraints of our government we are requesting a need-based increase over our 2002 request of $70 million. We strongly believe that the $610 million request is absolutely necessary if we are to have any success whatsoever in stemming the tide of this epidemic which continues to ravage our communities.

Once again, the purpose of the special and targeted funding is to provide technical assistance and to increase the capacity of our own communities to administer programs aimed at prevention and treatment, and to bolster or build the infrastructure needed to make all life saving measures accessible.

The Minority HIV/AIDS request is not meant to be the total funding for communities of color but should be utilized in such a way to better enable our communities, that are hard to reach and out of the mainstream, to access the $8 billion plus that is available for HIV and AIDS.

It is also important to point out that as serious an issue as it is, HIV and AIDS is just one symptom of all that is wrong in our communities, many of which come under the purview of this subcommittee. This funding will not only be successful in the fight against long term HIV and AIDS but also in all other areas, if in the long term the underpinnings of our communities are also strengthened.

There is a critical part of the Minority HIV/AIDS initiative request, which does not involve money. It is one of language.

Mr. Chairman, the intent of the MAHI is to ensure that its funds, which are only a small part of overall HIV/AIDS funding, are used to build capacity within African American and other communities of color which are the ones now being disproportionately impacted. The current of the language initiative has not maintained that focus. We are therefore requesting that the original FY 1999 language be restored or be mirrored, in your 2005 bill, with the following change which I believe meets the concerns of the Department with regard to discrimination, while empowering our communities which is the only way we can effectively control this and the other diseases which create the disparities.

The cost in dollars today will be significant, but the cost in lives and to our economy in the future are risks that we must not take.

There is no question that health disparities are deeply rooted in our medical system and in our culture. Eliminating them is going to take a lot more than one leadership summit or one media campaign. It will take a long-term commitment. It will take a long-term investment.

Dr. Martin Luther King, Jr. once said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' We have a moral obligation to end injustice in health care and health disparities among Americans. I urge my colleagues to support this request.

On behalf of the Congressional Black Caucus, I urge a ''no'' vote on the rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, a number of my colleagues have stood up today to speak out against various parts of the Labor, Health and Human Services and Education appropriations bill. I recognize that through our positions as legislators, we have the ability to create programs and new initiatives that can benefit our constituents and our country. It is within the scope of our job to debate which programs deserve particular funding. Appropriations bills are Congress' vehicle of funding the public, not for creating limitations and barriers for their basic rights afforded by the constitution.

Within this appropriation bill is a provision that effectively prohibits a federal agency or program, or State or local government, from enforcing any abortion-related laws or regulations as they apply to health care entities. ''Healthcare entity'' is defined to include individual physicians or other health care professionals, hospitals, provider-sponsored organizations, HMOs, insurance plans, or ''any kind of health care facility, organization, or plan.'' This ''refusal clause'' permits a broad range of individuals and institutions—including hospitals, hospital employees, health care providers, employers, and insurers—to refuse to provide, pay, counsel or even issue referrals for medical treatment based on their moral or religious views.

Refusal clauses affect a broad range of reproductive services, including: information and referrals for family planning, genetic counseling, infertility treatment, rape treatment, sterilization, STD and HIV testing and treatment and abortion.

Doctors and health care providers have a duty to ensure that women receive accurate

information and appropriate care. Failure to provide this care—even for religious, political or ideological reasons—jeopardizes women's health and violates bedrock principles of medical ethics.

OBEY OVERTIME AMENDMENT

I would like to join many of my Democratic colleagues in supporting Mr. OBEY's amendment to restore overtime protection to the millions of workers who will otherwise lose it if the Bush administration regulation that went into effect on August 23 is allowed to remain in effect.

Workers who are likely to see their pay cut include 2.3 million ''team'' leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may not be considered ''artistic'' professionals; 90,000 computer employees, funeral directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

Those families that lose overtime protection will find they will have to work longer hours for significantly less money. Overtime accounted for approximately a quarter of the income, more than $8,000 a year, for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to be able to work overtime is diminished.

The Bush administration has justified the regulation on the basis of a proposed clarification of the rules and limitation on litigation; however, virtually every observer of the regulation has acknowledged that the regulations will incorporate vague new terms, that provisions of the regulation are confusing and conflicting, and that the regulation will engender substantial litigation for years to come.

I will offer two amendments to this legislation that would address the horrific effects of hepatitis C and lupus—the silent killer.

The purpose of the Jackson-Lee amendment relating to hepatitis C is to increase the research activities at the Centers for Disease Control for patients who are particularly at risk for the disease or resistant to conventional treatments—African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Because hepatitis C is a communicable disease, I believe this is an important step in getting this public health issue under control.

Back in June of this year, I joined the ''Hepatitis C Movement for Awareness'' to call for a more aggressive, and better informed, national approach to the hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. Only 20 percent of those infected know they are infected, and scientists are still unsure how the virus is spread, or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action. I commend the Hepatitis C Movement for Awareness for its tenacity and energy in galvanizing in Washington to make its case for change.

The second of my amendments relates to addressing the silent killer, lupus. The purpose of this amendment is twofold. First the amendment transfers $1,500,000 to the account of NIH's National Center on Minority Health to increase educational programs on Lupus for health care providers and for the general public. I believe that this will help to facilitate the diagnosis of lupus today—particularly among susceptible populations. Second, I am proposing to transfer $2,500,000 to the Centers for Disease Control to expand the operation of the National Lupus Patient Registry. There are presently four pilot registry programs operating in Michigan and in Georgia. These pilot programs have been a good start, but additional data is needed to distinguish between environmental and other factors that cause Lupus.

Mr. Chairman, I urge my colleagues to support the two Jackson-Lee amendments. I hope that the deficiencies that relate to the treatment of hepatitis C and lupus can be addressed in conference.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to urge my colleague to oppose the previous question on H.R. 5006, the FY 2005 Labor-HHS-Education Appropriations bill in order that we could get an opportunity to debate an amendment by Ranking Member OBEY which the majority on the Rules Committee refused to make in order. The Obey amendment would add $7.4 billion to the GOP bill, paid for by reducing the average tax cut for millionaires in FY 2005 from $127,000 to $89,000.

As a physician and the chair of the Congressional Black Caucus' Health Braintrust, I am particularly supportive of the amendment's proposed to add additional funds for health care. The amendment would increase health care and funding by $1.1 billion, including providing $500 million for critical investments in medical research at NIH; providing $333 million for maintaining access to health care, including restoring the Community Acess Program for the Uninsured, eliminated by the Republican bill, increasing funding for rural health, and increasing funding for the Maternal and Child Health Block Grant and Healthy Start; and providing $100 million for childhood immunization and infectious disease programs.

Conversely, the majority bill shortchanges health care programs in some critical ways. It cuts rural health care activities by 21 percent from FY 2004. It cuts helath care professions trading by 8 percent. It cuts public and preventative health activities by 18 percent. And it only provides a piddling 4.6 percent increase in HIV/AIDS programs for the second year in a row.

My colleagues the majority bill clearly demonstrates that their rhetoric about supporting the middle class and families are not reflected in the legislation they propose. Democrats on the other hand have consistently fought on behalf of programs that would strengthen the middle class and families.

I urge my colleagues to defeat the previous question and support the Obey substitute.

Mr. WELDON of Florida. Mr. Chairman, I rise to support this legislation.

Mr. Speaker an important and necessary provision is included in the bill that is intended to protect health care entities from discrimination because they choose not to provide abortion services.

The amendment, adopted during full committee consideration, is intended to protect the decisions of physicians, nurses, clinics, hospitals, medical centers, and even health insurance providers from being forced by the government to provide, refer or pay for abortions.

This is reasonable federal policy and one that was overwhelmingly approved by this very body by a vote of 229–189.

The policy simply states that health care entities should not be forced to provide elective abortion—a practice to which a majority of health care providers object and which they will not perform as a matter of conscience.

But while 45 States and the Federal Government protect the right of health care provider to decline involvement in abortion, abortion advocates are working to abolish these legal protections.

Abortion advocates have launched a campaign to force hospitals and other health care entities to provide, refer, and pay for abortions.

They argue that the term ''health care entity'' only covers individuals and not institutions. They have also argued that because an entity receives Federal funds they are required to provide abortions. By twisting the law they have successfully used the courts and State and local governments to violate the objections to abortions of health care entities and providers.

This is why we need to strengthen Federal protections against discrimination based on objections to abortion.

The right of conscience is fundamental to our American freedoms. We should guarantee this freedom by protecting all health care providers from being required to perform, refer, or pay for elective abortions.

I urge my colleagues to support the language in the bill and support its passage.

Mr. GOODLATTE. Mr. Chairman, I rise today to show my support for the Community Services Block Grant, CSBG. CSBG funds the anti-poverty community action agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate, and deliver comprehensive programs and services to as many as 27 percent of all people living in poverty in the United States.

Total Action Against Poverty is a community action agency whose service area includes Virginia's Sixth Congressional District, which I represent. This agency offers more than 31 programs in housing, education, employment, training, rehabilitation, community development, neighborhood organization, child care, and family development.

The Community Services Block Grant provides flexible funding that enables community action agencies to pursue comprehensive, innovative approaches to help low-income Americans achieve self-sufficiency.

The demand for community action agencies' services among impoverished individuals and families has not abated and, in fact, continues to grow.

Demand for core emergency CAA services, including food banks, clothing, emergency shelter, and utility assistance, continues to increase dramatically.

One of Total Action Against Poverty's programs offers a diverse array of education and training programs for low-income, unemployed, and underemployed adults residing in the Roanoke Valley Alleghany Regional Planning District. The centerpiece of this initiative is the Center for Employment Training, CET, which provides individualized training tailored to enhance competitiveness in the local workforce. Local businesses help develop training and curricula, and facilitate the hiring of CET graduates.

I support the work and the difference that this agency, one of many like it across the U.S., is doing to make a difference in my district. I encourage my colleagues to support the Community Service Block Grant in the Labor–HHS bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5006

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act, $2,649,728,000 plus reimbursements; of which $1,642,442,000 is available for obligation for the period July 1, 2005, through June 30, 2006, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2004, until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2005, through June 30, 2006, to carry out chapter 4 of such Act; and of which $6,321,000 is available for the period July 1, 2005, through June 30, 2008, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $301,227,000 shall be for activities described in section 132(a)(2)(A) of such Act, and $1,178,192,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further,* That $8,000,000 shall be for carrying out section 172 of such Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $76,874,000 shall be for carrying out section 167 of such Act, including $71,787,000 for formula grants, $4,583,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $504,000 for other discretionary purposes: *Provided further,* That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further,* That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2005, through June 30, 2006, and of which $100,000,000 is available for the period October 1, 2005, through June 30, 2008, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the unobligated funds contained in the H–1 B Nonimmigrant Petitioner Account that are available to the Secretary of Labor pursuant to section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $100,000,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $1,057,300,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $141,934,000, together with not to exceed $3,440,914,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2005, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2007; of which $141,934,000, together with not to exceed $672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2005, through June 30, 2006, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2005 is projected by the Department of Labor to exceed 3,327,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2006, $517,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2005, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $111,375,000, together with not to exceed $57,479,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $132,345,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2005, for such Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2005 shall be available for obligations for administrative expenses in excess of $266,330,000: *Provided further,* That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including

reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $400,797,000, together with $2,021,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $233,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2004, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2005: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,668,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $12,351,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $14,221,000;

(3) for periodic roll management and medical review, $13,096,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the ''Act''), $276,000,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2006, $81,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $40,821,000, to remain available until expended: *Provided,* That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2005 to carry out those authorities: *Provided further,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2005 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2005 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,646,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $23,705,000 for transfer to Departmental Management, ''Salaries and Expenses''; $342,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $461,599,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2005, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

AMENDMENT TO LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL, 2005, AS REPORTED

OFFERED BY MRS. JOHNSON OF CONNECTICUT

In title I, in the item relating to OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION, after the aggregate dollar amount insert the following: ''(reduced by $25,000,000)''.

In title II, in the item relating to OFFICE OF THE SECRETARY, after the aggregate dollar amount insert the following: ''(increased by $25,000,000)''.

In title II, in the item relating to OFFICE OF THE SECRETARY, after the fourth dollar amount, insert the following: ''(increased by $25,000,000)''.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of my amendment to accelerate the adoption of health information technology and to improve health care quality for all Americans, significantly reduce preventable medical errors, and rein in rising health care costs. My amendment would add $25 million to the Department of Health and Human Services to advance health information technology. This meets the Secretary's budget request to fund State, regional or local grants to develop health systems that coordinate with each other. This funding will also help unleash our creativity through grants to foster innovative information technologies that improve health care.

Mr. Chairman, this President and this Secretary of Health and Human Services, Tommy Thompson, have provided remarkable, aggressive, and visionary leadership to bring America's health care system into the 21st century, to improve the quality of care available to all Americans, and to dramatically reduce administrative costs, medical errors, duplicate testing, duplicate record keeping, and address all those aspects of our health care system that have already been identified by the Institute of Medicine as being the source of poor-quality care and an enormous health care cost.

At this moment, with health care costs rising at an extraordinary rate, pressing premiums up for everyone, including our seniors under part B, we must push forward to develop interoperable electronic health records, e-prescribing and all those other applications of modern information technology to our health sector. It is indeed bizarre that other sectors of the economy, manufacturing, banking, many other sectors, are far ahead of the health care sector in integrating, absorbing, using and exploiting information technology to both improve the quality of operations in those sectors and the quality of the product as an outcome. Information technology will dramatically improve the quality of health care available to all Americans and holds out the promise of reducing costs tremendously.

For example, health information technology will reduce medical errors which account for 44,000 to 98,000 deaths annually, more than motor vehicle accidents, breast cancer, or AIDS. It will reduce known medical errors that cost $30 billion to $35 billion annually. Health IT will save $5.4 billion a year annually that is spent on unnecessary services because tests or second opinions cannot be located. It will also eliminate costly defensive medical practices which account for as much as $108 billion in unnecessary health care costs each year. Health IT will allow physicians to detect negative drug interactions which result in 7,000 deaths each year.

My friends in this body, we must do everything we possibly can to back Secretary Thompson and this President in moving health information technology into our health care sector as rapidly as possible. These innovative grants, the work that they are doing to establish standards, the pressure they are putting on the private sector to develop interoperable technologies is all exactly what needs to happen; and it is my hope that we will be able to accomplish the goal of this amendment, to provide the full $50 million that the new office, of which Dr. Brailer is now the head as the national coordinator of information technology, that their full budget allocation request can be fulfilled.

I have talked with the gentleman from Ohio (Mr. REGULA) about this. Rather than pursuing this amendment further, I am going to withdraw it. But I did want to stress how important it is that we back this office with its full dollar amount. I hope that in the course of the development of this bill, that that goal will be fulfilled.

Mr. REGULA. Mr. Chairman, I move to strike the last word. I commend the gentlewoman for what she is trying to do here. My concern is that if we diminish OSHA's impact, we will have more people going into the hospital. Part of the objective of OSHA is to have safety in the workplace and get fewer people in. I think her desire to improve the quality programs that are embodied in the amendment here, we will be sensitive to this in conference. We have no idea what the other body's bill is going to look like and where the emphasis is going to be. I appreciate the fact that the gentlewoman will withdraw her amendment, but we will keep this very much in mind.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the chairman very much for his comments.

Mr. Chairman, I also want to say both to the gentleman from Ohio (Mr. REGULA) and also to the gentleman from Wisconsin (Mr. OBEY) that you have brought forward for this body a very fine, balanced bill in a difficult era. The money that you have put into critical health care activities that the Federal Government funds, like the children's hospitals and also into public education as well as job training and a number of other areas is really a tribute to the kind of thoughtful leadership that this body is capable of.

I do withdraw my amendment, recognizing the importance and value of OSHA, and I appreciate your willingness to look at this critical function as you move this bill toward its final conclusion.

Mr. REGULA. I thank the gentlewoman for her contribution.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $275,567,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $455,045,000, together with not to exceed $78,473,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,555,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral

and multilateral technical assistance and other international labor activities, $264,653,000, of which, $7,000,000 to remain available until September 30, 2006, is for Frances Perkins Building Security enhancements, and $30,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software, and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy, together with not to exceed $314,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,098,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2005, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000 of which $7,550,000 shall be available for obligation for the period July 1, 2005, through June 30, 2006.

□ 1315

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

In title I, in the item relating to ''DEPARTMENTAL MANAGEMENT—VETERANS EMPLOYMENT AND TRAINING'', after the aggregate dollar amount, insert the following: ''(increased by $5,000,000)''.

In title II, in the item relating to ''OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $5,000,000)''.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the gentlewoman has a good amendment here. We are prepared to accept this, and I think in light of all the circumstances, the need for veterans' employment and training is growing, and, therefore, I think this is a very positive amendment, and we would be willing to accept it at this point.

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the chairman for accepting the amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we also would be happy to accept it on this side of the aisle. It is a good amendment.

Ms. HOOLEY of Oregon. Mr. Chairman, just very briefly, this is so our Guard and Reserves can go back to the job they left when they went overseas. The men and women of our Armed Forces fought for their country. They should not have to fight for their jobs when they return home, and I thank them for accepting the amendment.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Hooley amendment.

All of us are incredibly grateful to the men and women of our armed forces, including members of the National Guard and Reserves. Thousands of our Guard members and Reserves have been activated, taking them away not only from their families, but from their jobs, as well.

The Hooley amendment provides $5 million to the Department of Labor Veteran's Employment and Training Program, specifically for a nationwide campaign to educate America's employers about the Uniformed Services Employment and Reemployment Rights Act (USERRA).

USERRA spells out the responsibilities of employers of members of the National Guard and Reserve, and it explains the employment rights of those members. However, many employees and employers do not know about USERRA.

Mr. Chairman, the U.S. Chamber of Commerce has estimated that 70 percent of military reservists called to active-duty work in small or medium-size companies.

In response, I introduced H.R. 4477 with the bipartisan support of U.S. Representative JEB BRADLEY. H.R. 4477 is a simple, straightforward bill, and it complements the Hooley amendment. My bill seeks to promote understanding between employees and employers when it comes to their rights and obligations under USERRA. H.R. 4477 would require the Department of Labor to produce a poster—similar to the Family and Medical Leave poster—for employers to post at work sites.

Mr. Chairman, many employers across the country either do not know about USERRA, or they are only vaguely aware of it. By not complying with USERRA, employers put themselves at risk of facing Department of Labor investigations. By educating employers and employees before potential violations, we can protect employers from costly litigation, potential fines, and public embarrassment.

Mr. Chairman, H.R. 4477 would not create additional paper work or burden employers with difficult Department of Labor requirements. In fact, H.R. 4477 is an effort to educate employers and keep them from unknowingly breaking existing law.

Mr. Chairman, I commend U.S. Representative HOOLEY for bringing her amendment to the floor today. By educating employers and employees about USERRA, we can assist them in working out any potential conflicts before employees are activated. I urge adoption of the Hooley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The agreement was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $64,029,000, together with not to exceed $5,561,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $10,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. Not later than 30 days after the date of enactment of this Act, the Secretry of Labor shall issue a monthly transit subsidy of not less than the amount each of its employees of the National Capital Region is eligible to receive, not to exceed a maximum of $100, as directed by Executive Order 13150.

This title may be cited as the ''Department of Labor Appropriations Act, 2005''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711 and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,305,333,000, of which $32,500,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out

the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $45,000,000 to remain available until expended is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $278,283,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $803,872,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $119,158,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

AMENDMENT OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Texas:

In title II, in the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first undesignated paragraph the following undesignated paragraph:

In addition, for carrying out section 340 of the Public Health Service Act (relating to the healthy communities access program), $104,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Mr. GREEN of Texas. Mr. Chairman, I have an amendment that would restore the much-needed funding for the Community Access Program, and, believe me, I appreciate what the chairman and the ranking member on the subcommittee and the full committee did with the resources that we have. I know there are more demand resources, but to actually zero out the Community Access Program I think is something that this House and this Congress should not do.

With more than 44 million Americans currently living without health insurance, there is no doubt that too many Americans are going without necessary preventative health care. This lack of access to care comes at an extremely high cost both in human and budgetary terms. Nearly 40 percent of uninsured adults skip a recommended medical test or treatment. And 20 percent indicate that they have needed but have not received care for a serious health problem in the past year.

Without access to primary health care, the uninsured end up in our emergency rooms where treatment is extremely expensive and taxpayers are footing the bill; either that or the shareholders in our for-profit corporations.

This is where the Community Access Program, or the CAP program, comes in. This successful program was created 4 years ago to help local agencies coordinate preventative and primary health care for uninsured individuals in their communities. CAP allows coordinating efforts between the for-profit hospitals, the nonprofit, and the public health providers and literally everyone in the community to serve the people more efficiently. The program facilitates a community-based approach to preventative health care and allows the community to tailor its program specifically to the needs of its uninsured population.

The CAP program has been instrumental in providing health care to the uninsured in my hometown in Houston. Gateway to Care, the community access collaborative in Harris County, Texas, has used CAP funding to expand primary health care services by steering uninsured individuals to the county's existing services, which the uninsured rarely take advantage of. From CAP funds, Gateway has developed a nurse triage service that individuals can utilize 24 hours a day, 7 days a week. So instead of someone showing up in the emergency room, they actually have a phone number to call, and maybe it is just a sinus infection and they can direct them to the closest clinic in their area instead of showing up at whether it is our for-profit or our public hospitals or our nonprofits. Instead of calling 911 and having an ambulance come to get them, these individuals can speak with a qualified nurse who can help them determine the type of care they require.

Gateway has utilized this funding to increase the enrollment in the State's CHIP program and to develop a streamlined eligibility system among the four major safety net providers in our county. Gateway's achievements have helped thousands of Houstonians access necessary health care services.

And yet Gateway is not alone in its successful use of this CAP funding. The program has funded more than 150 health care collaboratives in 42 States; so it is clear that CAP has touched most of us in this Chamber. CAP collaboratives are serving the uninsured across America from Jacksonville, Florida, to Portland, Maine, from Anchorage, Alaska, to Los Angeles, California. They serve small areas like Concord, North Carolina, and urban areas like Houston.

Mr. Chairman, I will include for the RECORD a list of the American cities that have benefited from this successful program.

Birmingham, AL, Montgomery, AL, Sylacauga, AL, Anchorage, AK, Sitka, AK, Augusta, AR, Helena, AR, Ratcliff, AR, Bisbee, AZ, Navajo, AZ, Prescott, AZ, Tuscon, AZ, Bakersfield, CA, El Centro, CA, Eureka, CA, Lompoc, CA, Los Angeles, CA, Martinez, CA, Orange, CA, Salinas, CA, San Francisco, CA, San Leandro, CA, San Mateo, CA, Stockton, CA, Vallejo, CA, Colorado Springs, CO, Denver, CO, Greeley, CO, Derby, CO, New Haven, CT, Middletown, CT, Dover, DE, Ft. Lauderdale, FL, Jacksonville, FL, Kissimmee, FL, Miami, FL, Orlando, FL, St. Augustine, FL, Tallahassee, FL, Tampa, FL, Atlanta, GA, Augusta, GA, Macon, GA, Des Moines, IA, Couer D'Alene, ID, Carlinville, IL, Chicago, IL, Rockford, IL, Springfield, IL.

Indianapolis, IN, South Bend, IN, Tribune, KS, Wichita, KS, Ashland, KY, Louisville, KY, Lexington, KY, Franklin, LA, New Orleans, LA, Boston, MA, Cambridge, MA, Springfield, MA, Yarmouthport, MA, Lavale, MD, Rockville, MD, Portland, ME, Detroit, MI, Grand Blanc, MI, Kalamazoo, MI, Lansing, MI, Marquette, MI, Muskegon, MI, Saginaw, MI, Ypsilanti, MI, Alexandria, MN, Mankato, MN, Minneapolis, MN, St. Cloud, MN, Kansas City, MO, Kirksville, MO, Jackson, MS, Clarksdale, MS, Billings, MT, Asheville, NC, Concord, NC, Durham, NC, Greensboro, NC, Pinehurst, NC, Raleigh, NC, Washington, NC, Bismarck, ND, Chadron, NE, Columbus, NE, Omaha, NE, Concord, NH, Albuquerque, NM, El Rito, NM, Santa Fe, NM, Amherst, NY.

Binghamton, NY, Brooklyn, NY, New York, NY, Queens, NY, Tarrytown, NY, Warrensburg, NY, Cincinnati, OH, Columbus, OH, Dayton, OH, Tulsa, OK, Cave Junction, OR, Portland, OR, Blossburg, PA, Norristown, PA, Philadelphia, PA, Pittsburgh, PA, Scranton, PA, Cranston, RI, Columbia, SC, Greenville, SC, Orangeburg, SC, Chattanooga, TN, Memphis, TN, Talbott, TN, Nashville, TN, Austin, TX, Corpus Cristi, TX, Dallas, TX, El Paso, TX, Galveston, TX, Houston, TX, Uvalde, TX, Salt Lake City, UT, Arrington, VA, Danville, VA, Falls Church, VA, Richmond, VA, Winchester, VA, Olympia, WA, Seattle, WA, Spokane, WA, Wenatchee, WA, Milwaukee, WI, Huntington, WV, Martinsburg, WV, Charleston, WV, Hinton, WV.

As much success as these communities have achieved with CAP funding, the bill unfortunately eliminates that program. Last year the program received $104 million appropriation; yet the administration transferred $20 million of that, or roughly 20 percent of the total funding, to a pediatric AIDS initiative. No one wants to deny the pediatric AIDS patients the care they need, but this situation demonstrates the problem we have with this bill. We are forced to rob one very worthy program to pay for another necessary program, and in the end the health of our community suffers.

My amendment would restore the $104 million for CAP, restoring funding for the program to the fiscal year 2004 enacted levels.

Because of the host of worthy health care programs in this bill, we do not have an offset, and I would like to withdraw the amendment.

I appreciate the chairman's courtesy in allowing me to talk about the amendment, but I want my colleagues to understand the tremendous strides this program has made in providing primary health care to those 44 million Americans currently living without insurance. The program is worthy of our support, and it is my hope that funding will be restored in conference.

Again, to the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY), I appreciate their allowing me the time, and I thank them for the funds for the community health centers, but we still need the dollars to coordinate these community health centers.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say the gentleman is absolutely right. This is a program that was begun by Secretary Shalala, who recognized that it is not enough to provide money to health centers if we do not also provide a thoughtful way to coordinate programs and services. This is what makes some of these efforts workable, and I think it is a disgrace that at a time when we have seen the number of uninsured increase from 40 to 45 million people, that we are eliminating a program that is crucial to providing service in more than 20 communities around the country.

Mr. GREEN of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I appreciate the fact that the gentleman is withdrawing the amendment because there is not an offset, but I want to commend him for his thoughts on this issue because it is important. These centers are very important, and it is a classic example of what confronted us in the subcommittee, and that is, there is so much in the way of good things that need to be done, and we had to make priority judgments. We will keep this in mind as we go to conference, but I certainly think the need is out there.

Mr. GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman for his comments.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the last word.

I am sorry that my colleague has withdrawn the amendment, and I hope they are going to be able to work this out further down the road.

But with that I also want to bring up what health care costs are because of assault weapons. Unfortunately, I have not been allowed to bring up the bill for a vote on assault weapons, but I just want to give the Members some health care costs.

Death and injuries caused by firearms cost the U.S. about $100 billion a year. If we keep assault weapons off the streets, we can bring that down and use the money for our community centers in those areas that need it. This includes hospitalization, other medical care costs, rehabilitation, and lost productivity.

I hope that we can, before this week is over, bring up the assault weapons bill so that we can have the bill and reduce health care costs in this country.

The CHAIRMAN. Are there other amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,270,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,176,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $4,228,778,000, of which $81,500,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $142,808,000 for international HIV/AIDS shall remain available until September 30, 2006. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $14,000,000 to carry out the National Immunization Surveys;

(2) $149,600,000 to carry out the National Center for Health Statistics surveys;

(3) $28,600,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

(4) $15,000,000 to carry out Public Health Research; and

(5) $41,900,000 to carry out Research Tools and Approaches activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further,* That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further,* That the Congress is to be notified promptly of any such transfer: *Provided further,* That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further,* That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

In title II, in the item relating to ''CENTERS FOR DISEASE CONTROL AND PREVENTION-DISEASE CONTROL, RESEARCH, AND TRAINING'', in paragraph (2) of the first proviso, insert after the dollar amount (relating to the National Center for Health Statistics surveys) the following: ''(increased by $2,500,000)''.

In title II, in the item relating to ''NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES'', insert after the dollar amount the following: ''(increased by $1,500,000)''.

In title II, in the item relating to ''CHILDREN AND FAMILIES SERVICES PROGRAMS'', insert ''(decreased by $4,000,000)'' after the aggregate dollar amount and insert ''(decreased by $4,000,000)'' after the dollar amount in the tenth proviso (relating to competitive grants to provide abstinence education).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, because this is a very important debate, again add my appreciation to the members of the Committee on Appropriations, the chairman and ranking of the full committee, and, of course, the ranking and subcommittee chairman of this Labor-HHS.

I hope that the gentlewoman from New York (Mrs. MCCARTHY) will rise to support this amendment and share her thoughts as well on another deadly health issue, and that is the use of guns and the resulting injuries and deaths that come about through that. I do add

my voice in this very short time for having the reauthorization of the assault weapons ban. I remember studying this issue in Houston, and I found that for an injured child, costs were at that time, some maybe 5 to 10 years ago, $60,000 per their care. I imagine it has quadrupled at this point. So I hope that we will move in that direction.

I, too, raise an issue that I hope my colleagues will join me enthusiastically, and I also will acknowledge the hard work of a former colleague, Congresswoman Carrie Meek of Florida, who at most times when we came to the floor dealing with the appropriations, Labor-HHS, the Members can be assured she was speaking about the deadly disease of lupus.

Today I am proposing two amendments to the Labor-HHS-Education appropriations bill to further research and outreach on lupus, and I urge the Members to support these amendments. Lupus is a chronic, disabling, and potentially fatal condition in which the immune system attacks the body's own organs and tissues. Lupus strikes primarily women, and it is twice as common among people of color. Currently it is estimated that 1.5 million to 2 million Americans have lupus. There is no cure for lupus. No new drugs have been approved to treat the disease in nearly 40 years, and no medically validated measure to diagnose and track the disease's progression and how it exists.

I, too, am concerned about the National Institutes of Health and the more opportunities for research, and I hope in conference we can alter the configuration so that many researchers in labs around the country and professors will not be denied their opportunity to find the cure for lupus. That is why I am adding this small of amount of dollars that is budget-neutral as evidenced and indicated by CBO.

Early diagnosis and treatment of lupus are essential to minimizing life-threatening complications. Lack of understanding of lupus combined with the disease's complexity leads to significant underdiagnosis. And I might say that it strikes young women in a potentially hardship manner. I remember a young woman that I knew in my church, had two beautiful young children and a beautiful husband, was taken in the prime of her life not knowing that she had lupus, and it was too late in order to provide her with the treatment that she needed, and certainly there was no cure at the time.

□ 1330

Symptoms of the disease may resemble the flu or other less severe instances. In some instances, the patient's apparent symptoms may seem to subside, leading up to a false sense of security. Some surveys indicate that some lupus patients may suffer for 4 years or more and visit 3 or more different physicians before obtaining a diagnosis. I know this personally, because I had a member of my family who I had to take to doctors trying to find out whether it was or whether it was not. And you can be assured in our frustration, but also our great concern and our fear, that we were overcome by the fact that it was really a diagnosis that was hard to pinpoint. The delay in obtaining treatment can be devastating, because time is lost while irreversible organ damage may appear.

The purpose of these amendments is twofold. First, the amendment transfers $1.5 million to the account of the NIH's National Center for Minority Health to increase educational programs on lupus for health care providers and for the general public.

Let me assure you that we have yet addressed in this House the disparities in health care as it relates to minorities. We have yet to pass the equity to health care bill that has been promulgated or written by the Hispanic Caucus, the African American Caucus and the Asian Pacific Caucus and others. I believe that this will help to facilitate the diagnosis of lupus today, particularly among susceptible populations.

Second, I am proposing to transfer $2.5 million to the Centers for Disease Control to expand the operation of the National Lupus Patient Registry. There are presently four pilot registry programs in Michigan and in Georgia. These pilot programs have been a good start, but additional data is needed to distinguish between environmental and other factors that cause lupus.

Let me say to my colleagues, no one knows when their neighbor, their friend, their constituent may be diagnosed. There is one strong point about this disease: It is not easily diagnosed, and many people live with it for a very long period of time. Mr. Chairman, that is why we do not know how many people really have lupus. I would ask my colleagues to join me in this effort and support this amendment, very, very well balanced, and, might I say, not violating CBO. I ask for support of this amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are a couple of things that I would point out in opposition to this. Number one, we are already recognizing the need for health statistics. In this bill, we have increased the amount for this purpose by $21,960,000. This is an increase of almost 20 percent over last year.

Secondly, at NIH we have increased the amount for monthly health and health disparities reports by $5.3 million.

So it is not the case that we have ignored the subject. I think we have tried to deal within the constraints of what we have available, and to take the money out of the other program, I think, would be just a mistake at this point. Therefore, I would be in opposition to the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must also reluctantly oppose the amendment, because I think it has an unintended effect. The amendment, as I read it, would actually result in a small across-the-board reduction in funding for virtually all public health agency programs, including the National Institutes of Health. I do not think that is what we want to do.

Secondly, I would point out the gentlewoman has made quite clear in her remarks that she is attempting to add funding for a specific disease. In all of the years this subcommittee has funded the National Institutes of Health, it has never dictated to the National Institutes exactly how much money they should spend on any specific disease, and I do not think we ought to start now.

So I reluctantly would have to oppose the amendment and say that what we really need is an overall increase in funding for NIH so that we can attack lupus and dozens of other diseases that are causing great pain and suffering to people around the world.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Jackson-Lee amendment. This amendment would increase funds for the National Center for Health Statistics surveys and for the National Center For Minority Health and Health Disparities.

The cost of health care for minorities is completely disproportionate. Nowhere is this truer than when it comes to the cost of gun violence. Although African Americans and Hispanics make up only 12.1 and 12.5 percent of the U.S. population respectively, these groups suffered 37 percent of all firearm deaths in 2000.

In 2000, homicide with firearms took the lives of 5,699 African Americans. In 2000, homicide with firearms took the lives of 1,958 Hispanics.

In 2000, the death rate for firearm injuries was two times higher for the African American population than the Caucasian population. In 2000, firearms homicide was the leading cause of death for African Americans age 15 to 34.

The assault weapons ban expires September 13, and we are not allowed to bring it up on the floor. This is something that could go into our communities, save lives and keep down health costs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. McCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman.

Mr. Chairman, let me carefully say this adds more money to the NIH. We respectfully add the fact that it is not necessarily a specific designation for a specific disease. But might I say that because of the discrepancies in access to health care for minorities and access to health care in respect to those who are being treated for lupus and the definitive impact on minorities as it relates to minority women as it relates

to lupus, I would offer to say that this is an amendment that has vibrancy and is necessary without in any way undermining or penalizing NIH.

I might also say that I have from the CBO that this is clearly budget-neutral and does not have an impact on the outlays.

So this is an amendment that is viable for my colleagues to support. I ask for all of my colleagues to look seriously at the opportunity for NIH to make its own determination on a very vital disease, a disease that is necessarily in need of both a cure and research.

I would also offer to say to my colleagues that when we speak about lupus, it is like a silent killer, because you can have it without knowing. You can have it without being diagnosed. Therefore, it is extremely important to be able to provide these additional resources.

I ask my colleagues to provide support for this amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. MCCARTHY of New York. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to say I am sure it is not the intention of the gentlewoman from Texas to fund this amendment by providing for an actual reduction in NIH, but the way she has drawn the amendment, it has that effect. I understand that is not her intention, but that is the effect of the amendment as written.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. LANGEVIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we discuss the fine work that our doctors and scientists are performing with the help of Federal assistance, I want to make sure that my colleagues are aware of the limitations on critical research that are currently in place. These restrictions, the current regulations that guide the National Institutes of Health, are stifling progress into curing chronic conditions and diseases that affect up to 100 million Americans, a number that dramatically increases when you consider their families and loved ones. Unfortunately, rather than overturning these limitations, the committee report to today's Labor, Health and Human Services, and Education appropriations bill instead reaffirms them.

For 3 years, the tremendously promising field of human embryonic stem cell research has been restricted to work on stem cell lines developed before August 9, 2001. Despite the limitations of this policy, our Nation's scientists have made tremendous progress. They have already shown that they can direct the development of human embryonic stem cells into insulin-producing cells that might help cure juvenile diabetes. This type of research holds promise of new therapies, even cures, for countless conditions and diseases such as diabetes, Alzheimer's, Parkinson's, ALS, heart disease, spinal cord injury and cancer.

Mr. Chairman, our scientists are maximizing the resources made available to them under the current policy, but we can do better. We must make it possible for researchers to engage in the responsible pursuit of human pluripotent stem cell research.

Earlier this summer, I was proud to join the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) in introducing legislation that would achieve this goal by directing NIH to fund stem cell research only if those cells had been derived from excess human embryos created through the in vitro fertilization process for fertility treatment, embryos which otherwise would have been discarded. All tissue donations would be voluntary, accompanied by informed consent and without compensation.

Under these principles, research could flourish. The Federal Government would maintain reasonable and ethical oversight and the promise of cures, and in some cases the promise of life itself would be extended and restored to millions of Americans.

Unfortunately, our current policies place limits on the hopes and dreams of these millions of Americans. Scientists are reporting that it is increasingly difficult to attract new scientists to this area of research because of concerns that funding restrictions will keep this research from being successful. Foreign countries, most notably Great Britain, have been far more supportive of stem cell research.

Mr. Chairman, we face the real danger that without Federal funding, the Nation's top academic researchers at universities, medical schools and teaching hospitals cannot join in the search for cures, which means much slower progress.

Mr. Chairman, we owe it to our constituents to ensure that this research takes place ethically and with the full support of the Federal Government and as soon as possible. For far too many Americans, there is no time to waste.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not totally disagree with my colleague but just a little bit that just spoke, because there are limited directions of stem cell research that I think that we could all support, whether you are prolife, prochoice, which is not an issue in this case.

Dr. Larry Goldstein from the University of San Diego, California, my daughter interned with him, and he does genetic research.

I would like to remind my colleagues, first of all, that it was President George W. Bush that supported stem cell research in a certain line, that turned out to be tainted.

There are some folks and some doctors that would actually clone people for body parts. I do not think most Americans support that, and I do not support cloning. But there is an area in which I think we can all come together.

Dr. Goldstein told me that quite often a woman invests her embryos because she is going to go through chemo or radiation treatments, and maybe she wants in-vitro fertilization at a later date. But they do not save those embryos for 1,000 years. They discard them. They throw them away, because they can't save them. They are thrown down the toilet.

In that case, why can we not use those stem cells to further research? They are not going to become life. They are going to be discarded, they are going to be thrown away.

I think that if you sat in the Subcommittee on Labor, Health and Human Services, Education and Related Agencies of the Committee on Appropriations during hearings where they have children with unique diseases, I had one little girl 8 years old, and she said, ''Congressman, you are the only person that can save my life.''

If we can come together and work in this particular area, I do not support cloning, but if they are going to be discarded, why can we not use those to enhance; save life?

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I have asked the President, along with Mrs. Reagan and Mary Tyler Moore and others, to work in this direction.

There is a third area which Dr. Goldstein pointed out, that there are some stem cells that are so diseased it would be unethical to implant them. Doctors and researchers want to use those stem cells to be able to eliminate those diseases in children, and that is another area in which we can come together. Unfortunately, many of my colleagues, in my opinion, want to go too far. But I think we can all get around it and embrace an area in which the stem cells are going to be thrown away, they are going to be discarded, and we are this close, I say to my colleagues, to getting rid of diabetes. Let us come together on the issue.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that I absolutely agree with the gentleman who just spoke, and I congratulate him for the comments that he made. Everyone who has looked with any care whatsoever at this issue understands that there are massive ethical considerations surrounding this question. We need to try to work our way through those ethical considerations in a way that will bring people together on some very fundamental questions, rather

than pulling them apart. I think the gentleman has pointed to one way that can be done.

I would caution those in this society who think that we can somehow stop science from engaging in the kind of research just discussed by the gentleman from California, I would caution those who feel that we can stop that kind of research. We cannot. That kind of research will go forward. The only question is whether it will go forward in the United States or whether it will be somewhere else, and whether or not it will go forward under the auspices of the National Institutes of Health with all of the ethical considerations that they try to bring to bear on this issue, or whether it will be conducted by scientific teams that are not quite so careful about the ethical considerations involved.

I think that the gentleman from California has pointed out how we could move people forward on this issue in a way which is not destructive of anyone's ethical values. We need to start recognizing that we are dealing with real situations, real human beings; and humanity is not going to allow politicians to get in the way of attacking some of the medical problems that have been discussed by the gentleman from Rhode Island or by the gentleman from California; and I congratulate both of them for raising the issue this afternoon.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 26, line 18, insert after the aggregate dollar amount the following: ''(increased by $1,000,000)''.

Page 46, line 4, insert after the aggregate dollar amount the following: ''(decreased by $1,000,000)''.

Page 48, line 2, insert after the dollar amount the following: ''(decreased by $1,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment. We do not have a copy.

The CHAIRMAN. Will the gentlewoman submit the amendment to the desk? We do not seem to have a copy of it either.

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me again join the gentlewoman from New York (Mrs. MCCARTHY) on the desire to attack another health issue and that is of course to see the ban on assault weapons reauthorized.

I rise to offer an amendment on another and very fast-growing epidemic in our country called hepatitis C. Mr. Chairman, I have an amendment that relates to this very grave matter as it is being distributed to my colleagues.

Our Nation is facing an epidemic of hepatitis C virus, or HCV infection. HCV is the most common blood-borne infection in the United States. Although many of them do not know it, nearly 4 million Americans are currently infected, and 35,000 new infections occur each year.

I have been told about this because of the sizable population of hepatitis C-infected veterans that I have come across. And I want to thank Ed Wendt, a constituent of mine who has raised the question of what we are doing and how we are doing it and how we can do better by those who are infected and the many, many veterans who are infected by this disease.

This insidious virus takes thousands of lives annually, primarily through cirrhosis and liver cancer. HCV costs millions of dollars in health care and lost wages each year, but it receives inadequate attention from the public, the medical field, and the Federal Government.

Hepatitis is an inflammation of the liver. Inflammation of the liver with swelling, tenderness, and sometimes permanent damage can be caused by infection with various viruses or by substances such as chemicals, drugs, and alcohol. Current concern over viral hepatitis stems from the serious long-term health consequences for long-term sufferers.

Hepatitis C virus is one of six known types of the hepatitis viruses. The C virus has emerged as a cause of chronic liver disease, both in the United States and worldwide. It is of concern because of its potential for serious long-term health consequences. It resorts, or causes, if you will, the need for liver transplants as evidenced by my constituent who has suffered long and had a difficult health history. Its pattern of infection among young, hard-to-reach risk groups and the current lack of vaccine or curative therapy impacts or increases the number of deaths.

Some studies indicate that minority populations in the U.S. are disproportionately affected by hepatitis C virus, and some reports have shown that African Americans do not respond to the current treatment of chronic HCV infection with the same efficacy as whites. This is why I started out this debate by saying it is time now for us to pass the equity in health care and disparities in health care in America. But this amendment, as did the lupus amendment, attempts in some small way to address this divide.

HCV is a particular problem for patients coinfected with HIV. According to Dr. Raymond Chung, M.D., director of the Center for Liver Disorders at Massachusetts General Hospital, ''About 25 percent of those with HIV are coinfected with HCV, largely because these viruses share modes of transmission.'' Treatment of patients coinfected with HCV and HIV is particularly challenging, because many of the retroviral treatments traditionally used in HIV therapies are toxic to the liver. Better information about HCV will help develop treatments that are effective for HIV and compatible with HCV. That is all I am asking for in this very simple and minimal amendment of asking for $1 million.

The purpose of this amendment is to increase the research opportunities and to be able to provide patients who are at risk for some control studies: African Americans, children, and adolescents, renal dialysis patients, HIV- and HCV-positive patients, and patients with hemophilia. Because hepatitis C is a communicable disease, I believe this is an important step in getting this public issue under control.

Back in June, I joined the Hepatitis C Movement for Awareness to call for more aggressive and better informed national approach to the hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. We must do something more. And only 20 percent of those infected know they are infected, and scientists are still unsure how the virus is spread or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action, and I ask my colleagues to support this amendment.

The grass-roots movement of this organization is made up of veterans, victims of hepatitis C, and other health care advocates; and they came to Washington to simply ask the question, can we get help. They are seeking our help, working with the Veterans Administration, which I must say I applaud for looking at this issue more closely. This is not an issue for one person or two persons, it is for millions of people, and those who go infected who do not know they are infected.

I want to congratulate those who worked on this effort, including Ed Wendt and the whole hepatitis C movement, because they do it not for themselves. They do it for those who come after them. They ask that we have a wake-up call so that we can stop the tragedy of the hepatitis C epidemic.

Now it is time that we wake up together and move forward on an amendment that will simply help us move in that direction. I urge my colleagues to join me in supporting this important amendment.

Mr. Chairman, I have an amendment at the desk that relates to a very grave matter with respect to the status of minority health. Our nation is facing an epidemic of Hepatitis C Virus (HCV) infection. HCV is the most common blood-borne infection in the United States. Although many of them do not know it, nearly four million Americans are currently infected, and 35,000 new infections occur each year. This insidious virus takes thousands of lives annually—primarily through cirrhosis and liver cancer. HCV costs millions of dollars in healthcare and lost wages each year, but it receives inadequate attention from the public, the medical field, and the federal government.

Hepatitis is an inflammation of the liver. Inflammation of the liver, with swelling, tenderness, and sometimes permanent damage, can be caused by infection with various viruses or

by substances such as chemicals, drugs, and alcohol. Current concern over viral hepatitis stems from the serious long-term health consequences for long term sufferers.

Hepatitis C virus is one of six known types of the hepatitis virus. Hepatitis C has emerged as a major cause of chronic liver disease both in the United States and worldwide. It is of concern because of its potential for serious long-term health consequences, its pattern of infection among young, hard-to-reach risk groups, and the current lack of a vaccine or curative therapy.

Some studies indicate that minority populations in the U.S. are disproportionately affected by the hepatitis C virus (HCV), and some reports have shown that African-Americans do not respond to treatment of chronic HCV infection with the same efficacy as whites.

HCV is a particular problem for patients co-infected with HIV. According to Dr. Raymond Chung, MD, director of the Center for Liver Disorders at Massachusetts General Hospital, "About 25 percent of those with HIV are co-infected with HCV, largely because these viruses share modes of transmission." Treatment of patients co-infected with HCV and HIV is particularly challenging because many of the retroviral treatments traditionally used in HIV therapies are toxic to the liver. Better information about HCV will help to develop treatments that are effective for HIV and compatible with HCV.

The purpose of this amendment is to increase the Hepatitis C research activities at the Center for Disease Control for patients who are particularly at risk for the disease or resistant to conventional treatments—African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Because Hepatitis C is a communicable disease, I believe this is an important step in getting this public health issue under control.

Back in June of this year, I joined the "Hepatitis C Movement for Awareness" to call for a more aggressive, and better informed, national approach to the Hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. Only 20% of those infected know they are infected, and scientists are still unsure how the virus is spread, or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action. I commend the Hepatitis C Movement for Awareness for its tenacity and energy in galvanizing in Washington to make its case for change.

The grassroots movement made up of Veterans, victims of Hepatitis C, and other healthcare advocates, came to Washington to tell policymakers about the pressing need for a viable national Hepatitis C policy. They feared that the present policies are based on worn out assumptions, and untested hypotheses. I agreed that more information was needed to help lawmakers craft appropriate strategies for mitigation of the rampant disease. I have been pressing the GAO for a comprehensive study of the past and present Hepatitis epidemic in the United States. We have to know where we stand, where mistakes have been made, and how we can do better. This epidemic is devastating our Veterans and our minority communities.

The Hepatitis C Movement for Awareness graciously presented me with an award for progress made toward the GAO report. I appreciated receiving this award. But, what I appreciated more was at the friendship and cooperation of my constituents Ed Wendt, Tricia Lupole, and the whole Hepatitis C Movement for Awareness. Years ago, the gave me a wake-up call on the tragedy of the Hep C epidemic. Now it is time to wake up Washington, and the nation by pursuing this amendment.

I hope that my colleagues will join me in supporting this important amendment.

The CHAIRMAN. Does the gentleman from Ohio wish to make his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order, and I move to strike the last word.

Mr. Chairman, this amendment, if I understand it correctly, takes $1 million out of abstinence and puts it into CDC without any clarity as to how it would be used in CDC. We have over $4 billion in CDC already. I do not think that adding another $1 million would be significant in their total budget; and in abstinence, it is important that we kept that as tight as possible. Again, it is a rearranging of priorities, and for that reason I object to the amendment.

The CHAIRMAN. Does the gentleman from Wisconsin continue to reserve his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation, and I move to strike the requisite number of words.

Mr. Chairman, I would simply say that I would appreciate it if Members have amendments to offer that they at least provide each side of the committee with a copy of the amendment. I think it is a disservice to the House when amendments are sprung on the committee and we have no opportunity to review them. If we are shown them ahead of time, we can help Members draft them correctly so that they are in order.

So it seems to me it is in the interests of both people who offer these amendments and it is in the interests of the House for Members who are planning to offer amendments to provide us copies. It would seem to me a simple matter of common courtesy.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Jackson-Lee amendment on hepatitis C. I spent over 30 years as a nurse before I came to Congress; and, unfortunately, hepatitis C a number of times, when it is diagnosed, it is far too late for so many of the patients. Unfortunately, the signs do not show up until the disease is very advanced, and because we are in a global world now and it is becoming a communicable disease, it is spreading more rapidly. Much more research needs to be done to see how we can stop this.

But I know one of the ways that we can have more money so we have the money for research is to try and stop the amount of money that is being spent every single year because of gun violence. And with the assault weapons ban expiring on September 13, we are going to see more violence on our streets; we are going to see more of these patients in our trauma hospitals, which is going to drive up the cost of health care all the way around. That is a shame. That is preventable. We need, certainly, the administration to back the police around this country and to back the health care providers around this country who all want to see the ban put in place.

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If we do that, we can keep down health care costs because of the gun violence and have money go into research for hepatitis C and for so many other issues that all of us here care about.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman for yielding.

I ask my colleagues to simply help us. It is simply asking $1 million for the hepatitis C, and I thank the gentlewoman from New York (Mrs. MCCARTHY) for her information.

This bill, with all the hard work of the appropriators, and I really appreciate them, was sprung on Members on Labor Day weekend. My apologies for the amendment being at the leg counsel, and it is supposed to be at the desk. It is now there, but I really ask my colleagues to look at the need. I also know my staff gave the amendment to both managers of the bill.

We are talking about 300 million worldwide, close to 10 million around the country, veterans, children and others infected with hepatitis C. The more we can do, the better off we are.

I believe this is a well-grounded amendment that should warrant the support of our colleagues on both sides of the aisle, and I would ask my colleagues to support this.

As I indicated, CBO has indicated this is revenue-neutral, has no impact with respect to the issues at hand, and I would simply ask that this amendment be supported.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to point out, we do have $22.5 million in the bill now for hepatitis C funding, and we recognize the importance of that, and we have done all that we could within the budget constraints, and there is a sizable amount there.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me just quickly say, I respect what the gentleman has done. One of the problems we have is we are suffering because we have such a great percentage of our dollars going to the

tax cut. I think we can do more. Certainly what we have is what the gentleman has been able to do, but I believe this disease is so deadly that adding additional funds is a priority and should be a priority when we talk about health care and also inequity in health care, and I thank the distinguished gentleman.

The CHAIRMAN. Does any other Member wish to be heard on the Jackson-Lee amendment?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Are there further amendments to this paragraph of the bill?

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 42, line 7 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 28, line 16 through page 42, line 7 is as follows:

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,870,025,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,963,953,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $394,080,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,726,196,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,545,623,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,440,007,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: *Provided further*, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,959,810,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,280,915,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $671,578,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $650,027,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,055,666,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $515,378,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $393,507,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $139,198,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $441,911,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,012,760,000: *Provided*, That in addition to amounts provided herein, $6,300,000 shall be available from amounts under section 241 of the Act to carry out national surveys on drug abuse and related analysis.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,420,609,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $492,670,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $297,647,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,094,141,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $121,116,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $196,780,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $67,182,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,947,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2005, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts under section 241 of the Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $359,645,000, of which up to $7,500,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That a uniform percentage of the amounts appropriated in this Act to each Institute and Center, as determined by the Director and totaling not more than $176,800,000, may be utilized for the National Institutes of Health Roadmap Initiative: *Provided further*, That amounts utilized under the preceding proviso shall be in addition to amounts made available for the Roadmap Initiative from the Director's Discretionary Fund: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes

of Health, including the acquisition of real property, $99,500,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act, and section 301 of the Public Health Service Act with respect to program management, $3,270,360,000: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $79,200,000 to carry out subpart II of title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of title XIX;

(2) $21,803,000 to carry out subpart I of part B of title XIX of the Public Health Services Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

(3) $16,000,000 to carry out national surveys on drug abuse; and

(4) $4,300,000 for substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $119,124,488,000, to remain available until expended.

For making, after May 31, 2005, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2005 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2006, $58,517,290,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16 and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $114,608,900,000. To ensure prompt payments of Medicare prescription drug benefits as provided under section 1860D–16 of the Social Security Act, $5,216,900,000, to become available on October 1, 2005, for fiscal year 2006.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,746,253,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $24,400,000, to remain available until September 30, 2006, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That $78,300,000, to remain available until September 30, 2006, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That not less than $129,000,000 shall be for processing Medicare appeals, of which $50,000,000 shall be transferred to the Social Security Administration for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2005 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That the aggregate amount under this heading is hereby reduced by $9,000,000, such reduction shall be allocated among the programs and activities under this heading (including programs and activities for which amounts are specified under this heading) in such manner as the Administrator of the Centers for Medicare & Medicaid Services determines to be appropriate.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2005, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,873,802,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2006, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

The CHAIRMAN. Are there amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

LOW-INCOME HOME ENERGY ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For carrying out low-income home energy assistance activities, $2,227,000,000: *Provided*, That of the total amount provided under this heading, $1,900,000,000 shall be for the low-income home energy assistance program under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.): *Provided further*, That of the total amount provided under this heading, $100,000,000, to remain available until expended, shall be for the low-income home energy assistance program under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.) for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of such Act, and notwithstanding the designation requirement of section 2602(e) of such Act: *Provided further*, That of the total amount provided under this heading, $227,000,000 is hereby transferred to the Department of Energy for the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), and shall remain available until expended.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 42, line 11, after the dollar amount insert ''(increased by $22,000,000)''.

Page 42, line 12, after the dollar amount insert ''(increased by $11,000,000)''.

Page 42, line 25, after the dollar amount insert ''(increased by $11,000,000)''.

Page 50, line 12, after the dollar amount insert ''(reduced by $26,000,000)''.

Mr. SANDERS. Mr. Chairman, let me begin by thanking the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY) for their very, very hard work on this important bill.

Mr. Chairman, as I think every American from Vermont to California knows, in a couple of weeks as winter approaches, people are going to have a very, very rude surprise when they take a look at their home heating bills. I do not have to tell anybody here or anybody in America that the cost of home heating fuels are skyrocketing

out of control, and I do not have to tell anybody here that millions and millions and millions of Americans are going to find it increasingly difficult to pay these outrageously high costs in order to keep warm this winter.

Mr. Chairman, according to the Energy Information Administration, the price of heating oil, natural gas and propane are expected to skyrocket. They are going to go off the wall.

The amendment that I am offering today would provide relief to hundreds of thousands of families by increasing funding for the highly successful and widely supported Low Income Home Energy Assistance Program, the LIHEAP program, as well as the Weatherization Assistance Program, by $22 million. This increase, I should point out to my friends, would still be $42 million below the President's request. The amendment would be offset by a $26 million reduction in departmental management at the Department of Health and Human Services, which would still provide, with that reduction, level funding for this program.

This amendment has tripartisan support and is being cosponsored by my colleagues, the gentleman from Connecticut (Mr. SIMMONS), the gentlewoman from New York (Mrs. MCCARTHY), the gentleman from New Hampshire (Mr. BRADLEY), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Massachusetts (Mr. MEEHAN). It also enjoys the very strong support of the National Community Action Foundation.

Mr. Chairman, from California to Vermont, every American knows that energy costs are only going to go up this winter. Here is what the Energy Information Administration is predicting: Compared to the winters of 1998 to 2000, the price of natural gas will be 55 percent higher; the price of heating oil will be 45 percent higher; and the price of propane will be 41 percent higher.

LIHEAP is the primary program that provides assistance to help lower-income families pay their energy bills, and there has been no time when more people are going to need LIHEAP assistance than now. We are facing a crisis, and if we do not act, large numbers of Americans could well go cold this winter.

Mr. Chairman, in this country no American family should go without heat this winter. Not one senior citizen should choose between heating their homes and paying for the prescription drugs that they need.

Mr. Chairman, LIHEAP and weatherization enjoy broad bipartisan support in Congress. Last March, more than 70 Members of both the House and Senate, including 20 Republicans, cosigned letters calling for $3 billion in funding for LIHEAP. Even if this amendment were signed into law, LIHEAP would still be more than $500 million short of that mark.

Similar amendments that I have offered in the past to increase funding for weatherization have been very successful because I think they have strong tripartisan support, understanding that it is absurd that people lose their heat through faulty windows or roofs, and that it makes sense economically and environmentally to substantially increase weatherization.

Mr. Chairman, for those of us concerned about protecting the financial well-being of lower-income Americans and for those of us concerned about the environment, this is a very important amendment. It will make more homes throughout this country energy-efficient through proper insulation. This is good for low-income people, it is good for the government, it is good for our environment.

The weatherization program also creates good-paying jobs, increases property values, and decreases U.S. energy use by the equivalent of some 15 million barrels of oil every year.

Under this program, 105,000 homes will be weatherized this year, but much more can and must be done, and while 4.8 million families received LIHEAP assistance this year, over 25 million eligible families did not receive any help due to lack of funding from the Federal Government.

Mr. Chairman, we can do better than that, we must do better than that, and I urge my colleagues to vote ''yes'' on this important amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the last word.

I rise in support of the Sanders-Simmons-McCarthy amendment and am honored to be a cosponsor.

This vital amendment would increase funding for the Low Income Energy Assistance Program and Weatherization Assistance Program by $26 million.

Recent predictions indicate that this winter may be one of the harshest in many years in the Northeast, and the Energy Information Administration is predicting the price of heating oil, natural gas and propane will skyrocket. By the way, those prices have already skyrocketed.

LIHEAP provides the needed warmth for our most vulnerable communities, the poor, the elderly and the disabled. These disadvantaged communities are also, unfortunately, the most affected by gun violence.

When we have seen over the last several months that unemployment has gone up in certain areas of our country, our seniors are facing higher medical costs, higher prescription drug costs, now a 17 percent increase on their Medicare. Adding any little bit, amount, as far as increases on heating is going to be a problem for them.

As my colleague from Vermont has said, there is no one in this country that should be cold, but also another thing that happens, unfortunately, in this poorest of the poor communities is the gun violence we see on a daily basis. I could speak about that in my own district of Long Island. I know they say the suburban areas do not have gun violence. Well, unfortunately, after September 13 we are probably going to start seeing an increase of that because we are not allowed to bring up the assault weapons bill here on the House floor.

It is a shame that our seniors and our most vulnerable, who are our children and the poor that live in the communities, will be facing these guns again. It is a shame that our police officers who patrol these areas will also be facing these problems again.

I am sorry that we are not allowed to bring up the assault weapons bill that will expire on September 13. I hope that the leadership will change its mind.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to point out that we recognized in our bill the importance of LIHEAP. We did increase it by $111 million over last year. The total provided in the bill is now $1.9 billion, a lot of money, and that is the formula grants that go right out to the States. In addition, there is $100 million for the contingent emergency fund, and lastly, in the weatherization assistance grant, which came to us from the Subcommittee on the Interior and Related Agencies, we are funded at $227 million.

None of us know exactly what the needs will be in the coming winter. It could be severe, it could be mild; and if it is a mild winter, I think this is more than adequate. If it is a severe winter, we may want to do a supplemental appropriation.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my friend for his support for these programs over the years, and I am not going to argue with him about the value of these programs because I know he appreciates the value of the programs.

But what my friend cannot deny is that the cost of heating fuels are skyrocketing. There is no debate about that, and the problem is that if we simply increase weatherization and LIHEAP by a little bit, it is not going to keep up with 30, 40, 50 percent increases in home heating fuel.

I think my friend would recognize, and none of us can predict the weather, but even with an average winter, the fact that heating fuels are soaring will mean that fewer dollars will be available to people, or we are going to have to cut back on the number of people that utilize the programs.

All I am doing, this is not a multibillion-dollar increase, and I know my friend's heart is in the right place on this issue. It is a relatively modest increase of $22 million. I would appreciate support for it.

Mr. REGULA. Mr. Chairman, reclaiming my time, it seems easy to take this out of the administrative

budget of the Secretary of Health and Human Services, but let me point out that he has a great challenge in oversight to manage that Department effectively, and that is part of his administrative budget.

Within that budget, he has to administer the Centers for Disease Control, the National Institutes of Health, the FDA, HRSA, SAMHSA, the Indian Health Services, CMS, the children and families programs, the older americans programs and the health care quality. Now, that is quite a range of services that he has to manage effectively if they are going to serve the public well, and we are faced with some priority choices here.

Mr. SANDERS. Mr. Chairman, if my friend would further yield, I understand that, and it is like I would not be unhappy if the gentleman took care of that in conference. I know it is a tough judgment.

I simply would like the Members to stand up for folks who might go cold this winter. That is the point that I want to make. I am not going to get in a great argument with my colleague here. And perhaps he can adjust that in conference.

Mr. REGULA. Mr. Chairman, well, if the gentleman would be willing to withdraw, we certainly would keep it in mind in conference, because I understand. I come from a State where it gets reasonably cold in the winter, too.

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I understand what the gentleman is saying about fuel costs. We do not know, I see gasoline is like a yo-yo. One day it is $1.89 out my way, and the next day it is $1.69. But the problem for the Secretary of HHS to manage all these agencies, what we have tried to do is put in a reasonable amount for his needs.

Now, in conference, maybe we can address this, and we would certainly keep it in mind if the gentleman would consider withdrawing it.

Mr. SANDERS. If the gentleman will continue to yield, Mr. Chairman, I think it is best to give the Members an opportunity to express their will on this, but I thank the gentleman very, very much.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Vermont for bringing forth this very, very important amendment. Tens of millions of families in America are in for bad news this winter when they get their heating bills in the mail. According to the Energy Information Administration, the prices of heating oil and natural gas are expected to skyrocket. The EIA predicts that compared to the winter of just 4 years ago, the price of natural gas will be 55 percent higher and the price of heating oil will be 45 percent higher this winter.

Now, these increased costs could not come at a worse time. According to our Census Bureau, since 2001, when President Bush took office, the number of people living in poverty has increased by 4.3 million, and the median family income has dropped by over $1,500. The median family is the exact mid-point among our roughly 100 million American families, and all families with income below that median family's income have lost income. Families are already struggling to pay high and rising gasoline and health care costs.

So the Low-Income Home Energy Assistance Program, the LIHEAP program, is the primary program that provides assistance to help lower-income families pay their energy bills. There has been no time when more people are going to need LIHEAP assistance than now. This amendment would provide modest, but important, relief to thousands of these families by increasing funding for the LIHEAP and Weatherization Assistance Program by about $22 million. The increase proposed by this amendment would still leave that LIHEAP account $42 million below the President's request.

Mr. Chairman, not one family should go without heat this winter, and not one senior citizen should have to choose between heating their home and purchasing their prescription drugs. I urge my colleagues to vote ''yes'' on this important amendment when it comes up later.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Vermont, and thank also the chairman, the gentleman from Ohio (Mr. REGULA), for his support of LIHEAP funding, both in this budget and in the past. However, given the recent run-up in the cost of all kinds of petroleum products, gasoline, to say nothing of natural gas and the price of oil, this is a very important issue for all of us in the Northeast and in the cold-weather States.

Before I became a Member of Congress, I served in the New Hampshire legislature, and I chaired the committee that dealt with all of the energy issues, so I know firsthand how important LIHEAP funding on a Federal basis is for all of the cold-weather States. We have seen over the last several years the price of natural gas increase by over 50 percent, the price of oil by 45 percent, propane by 40 percent; and it is going to cost, Mr. Chairman, over $1,000 to heat an average home this winter with natural gas, oil, and propane. So this modest amount of money, $22 million, which would come out of overhead and administration, is very important to my region of the country, and I ask my colleagues to support this amendment.

Mr. SIMMONS. Mr. Chairman, I rise to support this amendment to increase funding for the highly successful Low Income Home Energy Assistance Program (LIHEAP) and Weatherization Assistance Program (WAP) by $22 million. This modest increase in funding would still be $42 million below the President's request, but it could help thousands of low-income Americans, the elderly and disabled stay warm this winter. This increased investment for our Nation's most vulnerable population would be offset by a $26 million reduction in Departmental Management at the Department of Health and Human Services which would still provide level funding for this program.

The Energy Information Administration is predicting that the price of heating oil, natural gas and propane will skyrocket this winter. Compared to average heating costs from 1998 to 2000, consumers are expected to pay 55 percent more for natural gas; 45 percent more for heating oil; and 41 percent more for propane. Heating a home with natural gas will cost an average of $1,049 this winter; heating with fuel oil will cost $1,094; and, heating with propane will cost $1,361.

This increased cost in energy couldn't come at a worse time. Since 2001, the number of people living in poverty has increased by 4.3 million, and the average family income has dropped by over $1,500. LIHEAP and WAP are needed now more than ever to make sure that on the richest country on earth, our constituents don't have to make the unacceptable choice between heating their homes and feeding their families.

Last March, more than 70 Members of both the House and Senate, including 20 Republicans, co-signed letters in support of $3 billion in funding for LIHEAP. Even if this amendment was signed into law, LIHEAP would still be more than $500 million short of this mark.

Simply put, Weatherization and LIHEAP work. WAP has allowed low-income families to save more than $200 a year in heating costs. These modest savings can be used for other important family needs such as food, clothing, housing and other basic necessities of life. And, LIHEAP is a vital safety net for our Nation's low-income families which reduces the percentage of their income spent on residential energy costs. Unaffordable home energy can result in: homelessness; health and safety problems, such as malnutrition, hypothermia and heat stroke; and, lack of educational attainment for children. LIHEAP protects public health and safety by keeping families warm in the winter and cool in the summer.

For all of these reasons I support this amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of this important amendment, which I am pleased to join in cosponsoring.

This amendment would provide a modest boost to the funding levels for these two programs—$11 million more for LIHEAP and $11 million more for Weatherization. This additional funding is desperately needed, but it would still leave many needs unmet. LIHEAP alone needs $1 billion above the $1.9 billion level in this bill to simply maintain the purchasing power it enjoyed in 1982. Meanwhile, we are seeing greatly increased volatility in oil and natural gas markets which threaten consumers with higher home heating prices this winter. The Department of Energy reports that consumers are expected to pay 55 percent more for natural gas; 45 percent more for heating oil; and 41 percent more for propane than they did in the years between 1998 and 2000. As a result, heating a home with natural gas will cost an average of $1,049 this winter; heating with fuel oil will cost $1,094; and, heating with propane will cost $1,361.

According to the Census Bureau, nearly 36 million Americans—including almost 13 million

children—now live in poverty. That is an increase of over a million people in the last year alone. Faced with a growing number of families in poverty, the Republican leadership has brought to the floor an appropriations bill that does little to help those Americans who have fallen below the poverty line. It seems the Republican leadership would rather protect President Bush's tax cuts for the wealthiest Americans than lend a helping hand to the poorest Americans.

For the low income families and seniors of Massachusetts and the rest of New England, winter—and increased utility bills—will be here too soon. Many families and seniors will once again be faced with the difficult decision between heating and eating.

Two crucial programs that help low-income families and seniors deal with the high cost of heating their homes in the winter are the Low Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance Program. This appropriations bill's funding levels for these two crucial programs are inadequate to meet the current and growing needs of low-income Americans.

There is bipartisan support from legislators representing warm and cold climates to raise LIHEAP's funding to $3 billion, but this appropriations bill is nowhere near that level of funding. I urge my colleagues to pass this amendment today as a first step to meeting LIHEAP needs in the very near future. We owe the low-income families that rely on this program no less.

I urge adoption of the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the Sanders amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $491,336,000, of which up to $10,000,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): *Provided,* That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2005 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2007.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,729,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided,* That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further,* That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further,* That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided,* That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 4.5 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,985,663,000, of which $32,103,000, to remain available until September 30, 2006, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2005: *Provided further,* That $6,898,580,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2005, and remain available through September 30, 2006: *Provided further,* That $710,088,000 shall be for making payments under the Community Services Block Grant Act: *Provided further,* That not less than $7,184,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further,* That in addition to amounts provided herein, $5,982,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further,* That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $55,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further,* That $15,000,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,000,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further,* That $105,046,000 is only for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further,* That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further,* That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further,* That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further,* That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $105,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,037,900,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2006, $1,767,200,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, the committee report on the Labor-HHS bill includes language that encourages the National Institutes of Health to adopt a policy that would make available to the public without charge the scientific journal articles that report the results of research that has been supported with NIH funding. As you know, Mr. Chairman, I have been very concerned for a number of years that the public is not always able to access the results of that research, federally funded research, unless they had a university library nearby or could pay often very large subscription fees of the journals, costs that are beyond most families' budgets.

The NIH, in response to language in the bill, has acted quickly to respond to our guidance. It posted the draft policy last Friday, September 3. Dr. Zerhouni, the Director of NIH, took care to seek comment from the various stakeholders involved in the issue, seeking comment from publishers, for-profit and nonprofit groups, from scientists, and from advocates for curing different diseases; and he has held three public meetings. Dr. Zerhouni heard some powerful stories from patients and family members who were struggling to learn as much as they could about treatment for serious diseases that affect them and their loved ones and had previously been unable to access some of the key information that could help them.

Dr. Zerhouni has produced a draft proposal from NIH that carefully balances the interests of these groups; and, most importantly, Mr. Chairman, it moves NIH in the direction of making more research available to the people who financed it, namely, the American taxpayers.

Mr. Chairman, I see the action by the NIH to date as being consistent with the language in our bill, and I would appreciate the chairman's thoughts on this.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I have been very pleased to see that NIH has responded so quickly and thoughtfully to the House report language. I think it is a very simple proposition: NIH, or the taxpayer, pays for the research, even pays for the journals, and should be able to share the results with the taxpaying public. Our investment in research is not well served by a process that limits taxpayer access instead of expanding it, and I should add public access.

I encourage NIH to move expeditiously to finalize its proposal after considering the comments it receives on its policy. The public deserves nothing less.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,403,479,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $4,558,000 shall remain available until September 30, 2007, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $380,298,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $25,000,000 shall be for advancing health care information technology nationally, including demonstration project grants; $52,838,000 shall be for minority AIDS prevention and treatment activities; $14,847,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $5,000,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this, and we do not have a copy of the amendment.

The CHAIRMAN. If the gentleman could provide us with a copy, we will distribute it to everybody.

Is there objection to the gentleman from Michigan offering his amendment at this point?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 49, line 25, insert ''(increased by $10,000,000)'' after the 1st dollar amount.

Page 50, line 3, insert ''; of which $160,414,000 shall be available to carry out the Nutrition Services Incentive Program;'' after ''reactions;''.

Page 50, line 12, insert ''(reduced by $10,000,000)'' after the dollar amount.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, I rise to offer an amendment to increase funding for seniors' meals programs by $10 million. The Meals on Wheels program is a critical lifeline to our Nation's seniors who are most in need of our assistance.

The bill includes $730 million for senior nutrition programs, $16 million more than last year, or a 2.2 percent increase. I wish to thank the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for including these additional funds and recognizing the importance of these programs to our seniors. I am offering this amendment because, despite the increase in the bill, the funding falls far too short.

I am sure that all of us have met and spoken with seniors in our districts. I am sure that the seniors have told my colleagues how much they depend on senior meals assistance and the Meals on Wheels program, or the meals they receive at the senior centers. I am sure that if Members, like I have done in the past, would go out and actually deliver senior meals to the homes of homebound seniors, they would realize how important not just these prepared meals are but also the social interaction these homebound seniors have with members of the public.

I have heard from the area agencies on aging in my district that they are cutting meals they are offering. In Michigan, we have had to cut back significantly weekend meals, evening meals, and even the senior lunch meals. The challenges faced by our Meals on Wheels program is compounded by the fiscal problems of the States that have not been able to increase their contributions, despite their acknowledgment that the need for these programs continues to grow.

This amendment would simply increase funding for the Nutrition Services Incentives Program by $10 million to $160 million. The House approved a similar amendment of mine back in 2001. Unfortunately, that amendment back in the 2001 appropriation bill to increase funding for the program to $160 million was dropped in conference. That was 4 years ago, and funding for senior meals programs has stayed basically flat until this year.

Mr. Chairman, we need to make this investment now. Nationally, 4.6 million Meals on Wheels meals were cut last year, and a number of congregate meals were cut by 2.9 million, for a total of 7.5 million meals that had to

be cut last year because of lack of funding. These decreases in funding ignore the 25 percent increase in the number of Americans who are expected to be eligible for the Older Americans Act programs in the next 5 years.

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It is critical that we include the highest level of funding possible for senior nutrition programs. I understand and I appreciate the work of the committee and what they have done to increase funding. I appreciate the fact that both the ranking member and the chairman have indicated that, if possible, they will try to increase funding in the conference report.

Mr. Chairman, I will ask unanimous consent to withdraw my amendment with the understanding that we will continue to work to increase funding in the future. This program is critically important to our seniors. While I appreciate the appropriators' work, I think we need to continue to highlight the concerns that we have for the lack of funds for the Senior Meal Program.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when I hear my colleagues from both sides of the aisle offering all of these amendments obviously to help our constituents from all over the country, and I thank my chairman and the ranking member for working so hard to bring us everything we need. I think more of us as Members should sit here instead of trying to watch this on television. I know that we are working very hard to keep the people of the United States comfortable, to make sure they have heat and do research to keep them healthy, and yet we have a program in place that is going to expire on September 13, which is the assault weapons bill. Yet we are not allowed to bring it up on the floor to talk about it. That is a shame. This is something that is working, does not cost any money, and yet as Members of Congress we are not allowed to bring the bill up for a vote, and the American people want it.

I thank the committee and subcommittee chairmen for doing the hard work they are doing, but I wish we could debate the assault weapons ban. The police officers on the street want to keep this ban in place. The health care professionals want to keep this ban in place. Every help organization wants to keep this ban in place. All of the different organizations which represent children want to keep the ban in place. I do not understand why we do not bring that issue to the floor for a vote. I hope by Monday, September 13, the White House will heed our call. I hope that the Speaker of the House will heed our call and answer to the American people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,323,000: *Provided,* That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $32,043,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,750,000, which shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided,* That the expenditure of any funds available under section 241 of the Public Health Service Act is subject to the requirements of section 206 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term ''pay of members'' shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations, $1,842,247,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,187,760,000; Office of the Secretary, $64,438,000; National Institutes of Health, $47,400,000; and Health Resources and Services Administration, $542,649,000: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, $450,000,000, to remain available until expended, for the Strategic National Stockpile: *Provided,* That subject to 31 U.S.C. 1531, there shall be transferred to the Secretary of Health and Human Services the functions, assets, unexpended balances (including those from appropriations authorized under section 121(3) of Public Law 107–188 and prior authorities); and liabilities of the Strategic National Stockpile, including the functions of the Secretary of Homeland Security relating thereto: *Provided further,* That the stockpile shall be deployed as deemed appropriate by the Secretary, or when requested by the Secretary of Homeland Security.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $60,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of

the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2005 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2005 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2004, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2004 State expenditures and all fiscal year 2005 obligations for tobacco prevention and compliance activities by program activity by July 31, 2005.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2005.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2005, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. The unobligated balance of the funds appropriated by section 1897(g) of the Social Security Act, as added by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is rescinded.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 63, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there any amendments to the portion of the bill now open?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 219. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $155,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $5.00 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

POINT OF ORDER

Mr. BILIRAKIS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BILIRAKIS. Mr. Chairman, reluctantly, quite frankly, I raise this point of order, but it is necessary to do so.

My point of order is against section 219(b) of the bill on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill. The rule, as I understand it, does not protect against that.

My point of order is this proposes to change existing law and constitutes legislating in an appropriations bill and violates clause 2(b) of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, reluctantly we concede the point of order, but I would point out this is part of the President's request. It is a management tool to let the user pay for a service being provided by the government. But the gentleman is correct, it does violate the right of the authorizers to deal with this subject, and it is not a proper part of the bill.

The CHAIRMAN. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 220. The amount appropriated in this Act for ''Centers for Disease Control and Prevention—Disease Control Research and Training'' is hereby reduced by $15,000,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

SEC. 221. LIMITATION ON USE OF FUNDS; STUDY.

(a) LIMITATION ON FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated by this Act or any other Act may be expended by the Secretary of Health and Human Services or by a medicare fiscal intermediary or administrative contractor—

(1) to apply the criteria (commonly known as the ''75 percent rule'') that are used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility (as defined in Department of Health and Human Services, Centers for Medicare and Medicaid Services, ''Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility'', 69 Federal Register 25751 et seq. (May 7, 2004), and any accompanying CMS Manual System Transmittals (including, but not limited to, Transmittal 221 and any change request pursuant to such rule) for purposes of the medicare program;

(2) to compile facility data pertaining to compliance with such 75 percent rule or enforce such rule; or

(3) to utilize or apply any existing or new local medical review policy, local coverage determination, or national coverage determination with respect to medical necessity standards for inpatient rehabilitation facilities under the medicare program;

until the date that is 9 months after the date on which the report required by subsection (b)(3) is transmitted to the Secretary and the Congress.

(b) STUDY AND REPORT.—(1) The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to study and make recommendations (and submit a report under paragraph (3)) on—

(A) a clinical consensus on how to modernize the medicare criteria used to distinguish an inpatient rehabilitation facility from an acute care hospital and other providers of intensive medical rehabilitation; and

(B) the appropriate medical necessity criteria for determining clinical appropriateness of inpatient rehabilitation facility admissions, with due consideration being given to chapter 1, section 110 of the Medicare Benefit Policy Manual, the current capabilities of treatments and modalities performed by acute and post-acute providers, and the combined medical and functional needs of patients.

(2) Under such contract the Institute shall use a panel that includes a multi-disciplinary group of expert researchers and clinicians in the field of medical rehabilitation.

(3) Under such contract the Institute shall submit a report to the Secretary and the Congress on the study and recommendations described in paragraph (1) not later than October 1, 2005.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

In title II, amend section 221 (page 65, line 19, through page 68, line 2) to read as follows:

SEC. 221. (a) Notwithstanding section 412.23(b)(2) of title 42 of the Code of Federal Regulations, none of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to treat a hospital or unit of a hospital that was certified by the Secretary as an inpatient rehabilitation facility on or before June 30, 2004, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days after the date on which the report under subsection (b) is issued, the Secretary, taking into account the recommendations in such report—

(1) determines that the classification criteria of hospitals and units of hospitals as inpatient rehabilitation facilities under such section 412.23(b)(2) are not inconsistent with such recommendations; or

(2) promulgates a regulation providing for revised criteria under such section 412.23(b)(2), which regulation shall be effective and final immediately on an interim basis as of the date of publication of the regulation.

(b) The study referred to in subsection (a) is a study by the Comptroller General of the United States directed in the statement of managers accompanying the conference report on the bill H.R. 1 of the 108th Congress regarding clinically appropriate standards for defining inpatient rehabilitation services under such section 412.23(b)(2).

(c) The aggregate amount appropriated under title II for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $3,500,000.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I rise today in strong support of the LoBiondo-Lowey-Wamp amendment. The gentlewoman from New York (Mrs. LOWEY) and the gentleman from Tennessee (Mr. WAMP) have joined together in trying to bring this to the attention of our colleagues.

Before I discuss the amendment, however, I would like to thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA) for their support on this critical issue. I would also like to thank the gentleman from California (Mr. THOMAS) and his staff for their willingness to work with me and my colleagues on this issue, and to help in crafting an amendment which will help rehab patients across the country.

The LoBiondo-Lowey-Wamp amendment would halt the Centers for Medicare and Medicaid Services, CMS, on the implementation of the so-called 75 percent rule until a study is completed on the issue. As many know, rehabilitation hospitals provide essential care to patients recovering from conditions such as a stroke, hip replacement or cardiopulmonary disease. This policy, commonly known as the 75 percent rule, sets limits on which patients would be eligible for care at these facilities.

Under the current rule which went into effect on July 1, fewer Americans will have access to rehab care. This is wrong. Fewer patients needing treatment for conditions such as arthritis and joint replacement will qualify for this care, an important element in the overall recovery process. It is simply wrong not to do something about this. In addition, access to rehab care for patients recovering from cancer, cardiac conditions, transplant and pulmonary conditions is also threatened.

This amendment is by no means the first attempt to deal with the issue. Over the past year, the majority of Members of Congress not once, but twice has called on CMS to withhold implementation of the 75 percent rule until a thorough independent assessment by medical experts is completed. A similar directive was included in both the Medicare Modernization Act passed last November and the fiscal year 2004 omnibus appropriations bill. Yet despite the will of Congress, CMS finalized the 75 percent rule in April and implemented it on July 1 without either commissioning a study in advance or making significant, much-needed updates.

Our amendment seeks to ensure that Congress' intent is carried out and that patients across America continue to have access to the rehab care they need. It will ensure that experts in the field of rehabilitative care study the issue and make recommendations that will produce a rule for rehab hospitals that reflects the advances medicine has made in the area of rehabilitative care.

I would like all of my colleagues to think what it would be like for them if they had to go to one of their constituents who needed rehab care, and they were denied access to the rehab hospital in their district; or worse yet, that rehab hospital had to close. What would my colleagues think if they had a family member, someone in their family, that was denied rehabilitative care, very good care, because of a stupid rule that we were not able to fix? People across America who need these services will not accept that Congress stood back and did nothing when there is something we can do.

I thank all Members in this Chamber who have supported our efforts to change the 75 percent rule, and I urge Members to cast a yes vote for the LoBiondo-Lowey-Wamp amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, with the understanding that this has been cleared with the Committee on Ways and Means, we are prepared to accept this amendment.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Ohio.

Mrs. LOWEY. Mr. Chairman, I rise in support of the amendment.

First of all, I would like to thank our distinguished chairman because he has worked with us and understands the importance of this very critical issue in so many Members' districts across the country. I rise in strong support of the amendment, and I am appreciative for all of us who have been working together. Just a few words on it, and again I thank our chairman.

Last year CMS decided to change and reinstate the patient rehabilitation facilities 75 percent rule, a rule which was enforced inconsistently and intermittently until it was fully suspended in 2002 because rehabilitation care had evolved so far beyond the original rule's scope.

In an effort to ensure that the rule would be updated appropriately, Congress asked CMS to commission an independent study on the status of rehabilitative care and use the findings to rewrite the rule. As my colleagues know, we had more than 300 Members of Congress supporting this request and the inclusion of similar directives in the fiscal year 2004 omnibus spending bill and the Prescription Drug Act.

CMS issued the final 75 percent rule without the benefit of a study, leaving the list of qualifying conditions practically the same as those imposed two decades ago. Considering the impact of these rehabilitation policies on the health and well-being of our constituents, we could not stand by and let our call for a study go unfulfilled. So again with the support of the Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from New York (Mr. RANGEL), the LoBiondo-Lowey-Wamp amendment will ensure that an independent study of the issue is conducted and the findings used to rewrite the 75 percent rule.

I am very appreciative, Mr. Chairman, of both committees, and particularly the gentleman from Ohio (Chairman REGULA). We have worked together in a bipartisan way to bring this amendment to the floor, and I want to thank the staff of the gentleman from California (Mr. THOMAS), Joel White and Deb Williams, for carefully working out the details of this amendment late last night and early this morning. I am delighted we have been able to work this out.

□ 1445

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief, just to add that this is one of those rare opportunities for the Appropriations Committee and the Ways and Means Committee to meet at the water's edge. Sometimes we put limitation amendments on appropriations bills and they strike those through a point of order, which they have the right to do here. Yet they chose to agree with us and say that this GAO study needs to be completed and all the science needs to be brought to bear before this rule is actually implemented.

Let me just say that one of the greatest areas of innovation in our health care delivery system in this country is inpatient rehabilitation hospitals where virtually every family in America has had somebody benefit from one of those hospitals, and they are wowed at what we are doing. It is a very fluid area of health care. It is changing every month because of new technologies and new procedures. Yet some of these rules are antiquated in these 13 categories. They need to be changed based on what is happening in health care, not a bean counter at OMB saying, we only have this much money or we want to reduce this much money, therefore, this is what you are going to be reimbursed for.

In our health care delivery system, we need to reimburse wherever the innovation is, wherever the patient is, wherever the need is, wherever the cure is; and that is what this does is allow science to prevail and not some arbitrary limitation that is set down the street by any administration or any government bureaucrat.

That is, frankly, where the Congress is doing its job to weigh in, because we are sensitive to these things; and, frankly, sometimes the Appropriations Committee can be very helpful by using the power of the money flow and the appropriations process to say, wait a second, stop the trains, we are going in the wrong direction.

This is a win-win. Congratulations to all and thanks especially to Ways and Means for letting us live to fight another day on behalf of patients and inpatient rehabilitation hospitals across the country. I thank the gentlewoman from New York (Mrs. LOWEY) and the gentleman from New Jersey (Mr. LOBIONDO). It is always a pleasure to work with them.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the chairman for accepting this amendment. It is extremely important for someone that has spent so much time in a rehab unit taking care of patients, even to the point of taking care of my son going back a number of years ago.

Medical technology and the science of taking care of those that never had a chance to learn how to walk again or possibly feed themselves again is now possible. It is mainly because of rehab. I know a lot of people think that they used to lay around the hospital after a hip operation. Today you have a hip operation, and you go to a rehab unit. It actually saves money, mainly because the patient is getting the rehab that they need so they can get up and walk and have a quality-of-life issue. On the other end of it, unfortunately going back not that many years ago, even for a simple hip operation, especially with the elderly, they ended up getting pneumonia and unfortunately needed more long-term care.

With that being said, the majority of our rehab hospitals and rehab units in an awful lot of our larger cities are filled, unfortunately, with patients because of gun violence in this country. On September 13, we are going to see the assault weapons bill expire unless this Congress, the Speaker of the House, the President of the United States get involved and allow us to debate this. We can save billions of dollars just on health care costs if we can bring down gun violence. We have seen a 60 percent drop since the assault weapons bill was passed on the use of those guns on our officers in our communities.

Large capacity clips, we are going to have them back out on the streets again. These are the large capacity clips that we see our men and women using that are serving this country so well over in the war in Iraq. We saw yesterday in the paper where someone with a gun had a large capacity clip that had 50 rounds. This is what we are going to go back to unless we stop by September 13, on Monday, to be able to renew the ban on assault weapons, to protect our communities, protect our police officers and to a very, very large extent, make more room in the emergency rooms, make more room in the trauma centers, make more room in the rehab units, because today because

of medical technology, thank goodness, people like my son are surviving these horrific wounds. A lot of our police officers are surviving their horrific wounds. But unfortunately the rehab, the expense to get those victims back on their feet certainly is extremely expensive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 222. None of the funds appropriated in this title may be used to impede the exchange of information between the Office of the Actuary of the Centers for Medicare & Medicaid Services and Congress, including its members, committees, and staff.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN:

At the end of title II (before the short title), insert the following:

SEC. ____. For research on outcomes of health care items and services (including the comparative clinical effectiveness of prescription drugs), as authorized by section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), $50,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. ALLEN. Mr. Chairman, when Americans turn on their televisions today, they are inundated by television advertisements promoting particular prescription drugs. Doctors are overwhelmed by detailers from the pharmaceutical industry coming to praise the virtues of the particular drugs that are manufactured by the people who employ them. But what patients and physicians in this country really need is quality information, evidence-based information about the comparative effectiveness of different drugs that are advertised to treat the same illness or condition.

The Medicare Prescription Drug Improvement and Modernization Act provides for research on outcomes of health care items and services, including the comparative clinical effectiveness of prescription drugs. Today I am pleased to join my colleague from Missouri (Mrs. EMERSON) in offering an amendment to fund that provision in the new Medicare law.

Section 1013 of the new Medicare law authorizes $50 million in fiscal year 2004 for the Agency For Health Care Research and Quality to conduct outcomes research on prescription drugs and other treatments. Unfortunately, the President's fiscal year 2005 budget contained no funding for this initiative. Currently, there really is a dearth of evidence-based information available to assist practitioners in choosing the most appropriate medication for their patients.

The $50 million we seek would fund new research and literature surveys to improve scientific evidence about the comparative effectiveness and safety of prescription drugs and other treatments. Additionally, funds would be used to communicate the results of this research to health care practitioners, health care purchasers and consumers. All we are asking is for better information to be available to doctors and patients. And if we can make that better information, independent research not funded by the pharmaceutical industry, if we make that information available, we will have better health care quality in this country; and we will have lower prices as well. It is very important that we ensure that our prescription drug spending is not based on the latest television or glossy magazine advertisement, but on science-based and tested information.

Physicians and their patients need access to credible, unbiased, evidence-based data on the comparative effectiveness of prescription drugs so they can make informed decisions about their purchases. As the cost of health care continues to rise, obtaining the greatest health care value is essential. More objective research will improve the quality of care and help to reduce costs.

This spring, Members from both sides of the aisle joined me in sending a letter to the chairman and ranking member urging $75 million for this provision. In addition, the Senate approved an amendment in support of $75 million for prescription drug comparative effectiveness studies, indicating the high level of bipartisan support for this initiative.

I do hope that the chairman agrees that this provision, which has been authorized, is a worthy initiative. I look forward to working with him and the committee to provide some funding in conference and to encourage the administration to add money for this purpose in next year's budget.

Though I would urge support for this amendment, I do intend to withdraw the amendment, but first I would like to give an opportunity to my friend from Missouri (Mrs. EMERSON) to speak on it.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Allen-Emerson comparative effectiveness research amendment. As my colleague said, as the costs of health care continue to rise, we really do need to make sure that our Nation's health care providers have every possible tool at hand so that they can understand the best, most efficient level of quality care to give their patients.

We obviously in Congress have recognized that need because we authorized $75 million in funding for the Agency For Health Care Research and Quality to conduct comparative effectiveness and health care outcomes research. This information would be made available to providers and consumers alike and allow physicians and their patients to make more informed and personalized decisions on each individual patient's plan of care.

More importantly, comparative effectiveness research will provide evidence-based research to help improve the efficiency of our health care system. Currently, very little objective evidence-based information is available to help physicians choose the most appropriate prescription medications for each patient. Without such information available, many patients may be prescribed a more expensive brand-name medication when a less costly generic medication may have the same clinical effectiveness. Funding further comparative effectiveness research efforts will provide American health care consumers with impartial research-based evidence of the value of different prescription medications and, moreover, will help drive down the costs of health care in the United States.

Mr. Chairman, I also want to mention, in this time when we are all very concerned with the number of uninsureds around the country, with the increasing inflation in the health care delivery system, with small businesses and large businesses experiencing incredibly difficult increases in their costs, this is a measure that has been endorsed by many large and small employer groups, namely, the AARP, the AFL–CIO, Caterpillar Tractor Company, Eastman Kodak, Kaiser Permanente, Verizon Communications, General Motors, United Health Care, the Coalition For Health Services Research. I could go on and on. But the bottom line is anything that we can do effectively to lower the costs of delivering health care in this country is something that the Congress should do.

I urge adoption of this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Listening to my two colleagues, I appreciate this amendment they have put forward. Obviously, with the medical technology that we have today and with the medicines that are out there, I sometimes sit when I am watching the TV shows and I am watching them advertise all of these particular drugs, I hope everybody also listens to see what the side effects are going to be. They better listen carefully, because some of these side effects are very serious.

There are many drugs on the market that are over 10 to 15 years old that work just as well. People have to realize that. Unfortunately, even our doctors now, they are given information, thinking, wow, if this can help my patient. Let us hope that is what they are thinking. But we have to reevaluate this whole thing. It used to be you went to your doctor, the doctor knew which particular drug would work for you for whatever ailment you had, and you took it. Now we see TV, the doctors tell me, they want this drug, they want this drug, they want this drug.

Aspirin still works very, very well. Ibuprofen when I was working, gosh, a long time ago, that was a prescription drug. It is now over the counter. But there are still many prescription drugs that work just as well. Obviously, sometimes they are not going to work for the patient. That is when we should try a new drug. The research and development and the research that is needed to see what these actual new drugs do, I think, is extremely important.

With that being said, also, September 13, the assault weapons bill is going to expire. The reason I bring it up towards the health care section is mainly because how much health care money is expended on, unfortunately, these horrific wounds that we see. We also know with a lot of these types of assault weapons, there are head injuries. People do not realize when you have a head injury, a lot of times these patients have to be on an awful lot of different drugs that might even put the patient to the point of where they think they might be schizophrenic. It does fit and tie in with these bills.

The important thing is the assault weapons bill costs absolutely no money. We can renew it. It does not cost anybody anything except saving lives, saving health care costs; and I hope that the President of the United States will ask the Speaker of the House to allow this bill to come up on the floor for a vote.

□ 1500

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I appreciate the fact that the gentleman is withdrawing the amendment. I think it has been a good discussion about what is a continuing problem. We have recognized it to some extent by putting 12 million plus or minus in AHRQ to do this very thing, and it is something we should keep in mind in the future. But the problem here is there is no offset for the $50 million. I think the intention is good, but this has been a tough bill to make all the dollars fit.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I thank the chairman for his comments.

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of New Mexico:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. __. Of the amount made available in this title for the account ''OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT'', $23,000,000 is transferred and made available as an additional amount under the account ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING''.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to increase funding in the fiscal year 2005 Labor-HHS appropriations bill before us for the CDC's Preventative Health Care Block Grant. This important grant is one of the few grants that allows States the flexibility to address their own unique health care challenges in exciting and innovative ways.

Unfortunately, H.R. 5006 cuts the amount of funding for the Preventative Block Grant by $23 million from the fiscal 2004 amount of $133 million to $110 million for fiscal year 2005. The funding provided in the legislation is also $23 million below the administration's request for fiscal year 2005.

My amendment would restore the funding to last year's level. It would offset the increase in the Preventative Health Care Block Grant by reducing the level of the Department of Health and Human Services departmental management by the same amount.

Mr. Chairman, this block grant has allowed State health departments to address a wide variety of public health issues, including cardiovascular disease, diabetes, physical activity, suicide prevention, just to name a few. States have documented that investment of block grant dollars has resulted in improved health care outcomes and in some significant cost savings.

I strongly believe that the Preventative Health Care Block Grant is exactly the type of program we should be supporting. The national investment in prevention is currently estimated to be less than 5 percent of the annual health care costs despite strong evidence that prevention can be cost effective and helps people enhance the quality of their lives.

In addition, this block grant is excellent public policy because it provides States with great flexibility in addressing the public health care needs their populations face.

Mr. Chairman, I am a strong supporter of health care promotion programs that have the potential to improve health, improve the quality of life, reduce health care costs, and boost productivity. I believe it is time for America to increase its investment in health care prevention strategies. It is a fact that adaptable lifestyle factors, such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity, account for approximately half the premature deaths in the United States. Moreover, spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 70 percent of total health care spending. With the pending retirement of the baby boom generation, the financial burden of these preventable diseases will further threaten the solvency of the Medicare program.

It is my hope that with a greater focus on prevention, we will be able to greatly reduce the number of individuals who suffer from all types of ailments, including diabetes, cancer, heart disease, and strokes just to name a few areas where preventative health care can make the difference. The CDC's Preventative Health Care Block Grant goes a long way towards achieving this goal.

One of the other key components of the block grant is that it is the primary source of flexible funding that provides States the latitude to fund any of 265 national health care objectives available in the Nation's Healthy People 2010 Health Improvement Plan.

Mr. Chairman, I know the chairman and ranking member of the Labor, Health and Human Services, Education and Related Agencies Subcommittee did the best they possibly could in stretching the dollar as far as they could in this bill, and for that I applaud them. However, a cut of this magnitude, nearly 18 percent, will force State and local health departments to eliminate or severely reduce some very important public health activities.

I look forward to working with the chairman and ranking member to restore funding to this account in some way.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

I thank my colleague for bringing up this very important issue, preventative medicine and the research that needs to go into it. Any of us that have ever been in the health care field know preventative care and having the best techniques is the best thing that we can all offer anyone. There are so many things that we can do today to prevent, unfortunately, diseases that certainly could cost us as people and human beings in quality of life and, of course, the health care system millions and billions of dollars every single year.

With that being said, preventative care is what we should be looking at—how are we going to stop gun violence in this country. The first step that we can take is making sure the assault weapons ban is renewed by September 13. That alone will save so much money every single year. Our police officers, our children, and even those that live in the poorest communities where some of these health care communities are being closed down because of a lack of funds, people do not realize on the mental end the stress of living in these communities, what it costs.

I am hoping that we in time will have enough money to run the programs that we need; but to be honest, we can save money by cutting down on gun violence. We can save emotional stress

by cutting down on gun violence. We certainly can protect our police officers in this country by making sure the assault weapons ban comes up for a vote, passes here in the House. It has already been passed in the Senate, and the President said he would sign the bill if it gets on his desk.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BORDALLO:

At the end of title II (before the short title), insert the following:

SEC. ____. For ''Centers for Medicare and Medicaid Services—Grants to States for Medicaid'' $8,000,000 to be used for an increase in the amount available under section 1108 of the Social Security Act for fiscal year 2005 of $2,500,000 for Guam, $2,500,000 for the Virgin Islands, $2,000,000 for American Samoa, and $1,000,000 for the Northern Mariana Islands, and the amount otherwise provided by this title for ''John E. Fogarty International Center'' is hereby reduced by $8,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Ms. BORDALLO. Mr. Chairman, I respectfully request that the House adopt the Bordallo-Christensen-Faleomavaega amendment to the fiscal year 2005 Departments of Labor, Health and Human Services appropriations bill.

For years, Mr. Chairman, citizens of the United States territories have experienced numerous disparities with respect to health care access and quality. While many of the reasons for such disparities must be resolved at the local level, there are several Federal programs whose administration in the territories contribute to these observed disparities. The most notable and glaring deficiency are Medicaid funding ceilings to the U.S. territories as mandated by section 1108 of the Social Security Act.

In Guam, Medicaid and the SCHIP combined cover only about 25 percent of all estimated costs eligible for Medicaid-matching grants. Similar Federal funding shortages have been experienced in all U.S. territories as a result of section 1108 funding caps. U.S. territories were hit particularly hard by the previous recession where unemployment caused territorial governments to cover the spiraling uninsured health care costs despite shrinking revenues.

The amendment would provide a temporary boost in Medicaid funding to Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands in order to assist those governments in meeting critical shortages in public health funding. This amendment is offset by reducing by 8 million funding for the John E. Fogarty International Center.

Mr. Chairman, while I support the mission of the John E. Fogarty International Center, I feel that it is important to concentrate on providing adequate health care to citizens in the U.S. territories before investing further in international health care research. Funding for the John E. Fogarty International Center would be reduced to just under fiscal year 2003 levels, at which time the center had experienced consecutive years of double-digit percentage funding increases.

Mr. Chairman, this amendment has bipartisan support based on the hearing that we had chaired by the gentleman from Indiana (Mr. BURTON).

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentlewoman's amendment that we have sponsored together with the gentlewoman from the Virgin Islands.

Mr. Chairman, in fiscal year 2003 American Samoa's Medicaid program cost $12.2 million. If American Samoa were treated like a State, the Federal Government would have been responsible for $6.1 million or half the cost; but the American Samoa government would have been responsible for the other half also, about $6.1 million. As it is, a Federal ceiling is in place, unfortunately. So for fiscal year 2003, the Federal ceiling for American Samoa was $3.7 million. The Federal Government only paid out $3.7 million, and we had to meet the rest of the obligation of the total cost of $12.2 million.

The bottom line, Mr. Chairman, is there is definitely a need for this additional appropriations for our Medicaid needs, and I ask my colleagues to please support this proposed amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to join my colleagues MADELEINE BORDALLO and ENI FALEOMAVAEGA in strong support of our amendment to provide some additional relief to our constituents in the form of additional health care dollars. It remains a national shame in my view, that because of where they live, my low-income and indigent constituents, as well as those of my colleagues, are not able to receive the same level of Medicaid assistance because of a punitive cap.

My colleagues, while the national per capita expenditure for Medicaid is $3862, the expenditure for the Virgin Islands is only $436. The total cost of Medicaid in the Virgin Islands is about $15 million per year but the Federal government only covers about $6 million of that amount. According to the Virgin Islands Medicaid Director, the 18,000 Medicaid recipients she serves receive an absolute ''bare bones'' service.

Mr. Chairman, a report 3 years ago entitled the Access Improvement Project of the Virgin Islands, revealed that great disparities exist for eligible children in the Virgin Islands compared to the continental United States. The report shows that while the Nation as a whole spends an average of $76 for EPSDT screening per Medicaid eligible child, the U.S. Virgin Islands only spent $1.20. Additionally, the total Medicaid expenditures per child also shows an astonishing disparity.

In the age group 15 to 20, national Medicaid expenditures were approximately 599 percent more than what is being spent in the Virgin Islands. We also received a 50 percent match, despite a State like Mississippi where the average income is $1,500 higher than ours. They receive 80 percent match. And the Virgin Islands Medicaid program cannot provide wheelchairs, hearing aids or prosthetic devices, and only provides physical and occupational therapy to a limited degree because of the limited funding.

Mr. Chairman, this modest amendment which we are offering today, would provide a one time 25 percent increase in Medicaid payments to the Virgin Islands, Guam, and American Samoa so that our most vulnerable constituents could receive better health care services which they otherwise would have to do without because of our already overburdened local governments.

I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. The pertinent part of clause 2 of rule XXI is as follows: An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law, and therefore it violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from American Samoa (Mr. FALEOMAVAEGA) wish to be heard on the point of order?

Mr. FALEOMAVAEGA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. FALEOMAVAEGA. Mr. Chairman, I kindly respect the decision the Chairman has made concerning his opinion that has been expressed concerning the proposed amendment. We realize there is no authorization. But I thought that this was part of the appropriations process, that we have made in the past precedents where appropriations have been made without any authorization. But again I have to respect my good chairman's decision on this and sincerely hope that maybe down the line we will be able to work something out to give due assistance to the insular areas on this very important issue.

□ 1515

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries a burden of persuasion on the question whether it is supported by an authorization in law.

Having reviewed the amendment, the underlying law, and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The amendment proposes appropriations above the levels currently authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2005''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,535,735,000, of which $7,849,390,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006, and of which $7,383,301,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided,* That $7,037,592,000 shall be available for basic grants under section 1124: *Provided further,* That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2004, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further,* That $2,469,843,000 shall be available for targeted grants under section 1125: *Provided further,* That $2,469,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further,* That $80,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,250,893,000, of which $1,083,687,000 shall be for basic support payments under section 8003(b), $50,369,000 shall be for payments for children with disabilities under section 8003(d), $45,936,000 shall be for construction under section 8007 and shall remain available through September 30, 2006, $63,000,000 shall be for Federal property payments under section 8002, and $7,901,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided,* That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2004–2005, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Civil Rights Act of 1964; and section 105(f)(1)(B)(iii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188), $5,641,401,000, of which $4,031,016,000 shall become available on July 1, 2005, and remain available through September 30, 2006, and of which $1,435,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided,* That $410,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further,* That $68,394,000 shall be available to carry out part D of title V of the ESEA and section 203 of the Educational Technical Assistance Act of 2002: *Provided further,* That $12,230,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,100,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further,* That up to five percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the U.S. Departments of Labor, Health and Human Services, and Education for such services: *Provided further,* That the amount made available in the Department of Education Appropriations Act, 2004, under the heading School Improvement Programs and including any funds transferred by the Secretary of Education pursuant to section 304 of that Act for state assessment grants authorized under section 6111 of the Elementary and Secondary Education Act of 1965, shall not be less than $390,000,000: *Provided further,* That, notwithstanding any other provision of law, including any across-the-board reduction that would otherwise apply, the funds made available for fiscal year 2005 under the heading School Improvement Programs for state assessment grants under section 6111 of the Elementary and Secondary Education Act of 1965 shall not be less than $400,000,000.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY:

In the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'', insert before the period at the end the following:

: *Provided,* That, of the funds made available under this heading, $3,000,000 is for carrying out subpart 21 of part D of title V of the Elementary and Secondary Education Act of 1965 (commonly referred to as the Women's Educational Equity Act of 2001; 20 U.S.C. 7283 et seq.)

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) reserves a point of order against the amendment.

The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, we are calling this the Patsy Mink amendment, as the first legislation was written and passed by our distinguished colleague and friend that founded the Women's Educational Equity Act. This would restore the $3 million for this program that was taken out in the mark before us, and this has no offset because the money would come out of the school improvement program that has well over $50 million in it.

This is certainly needed. Some people on the other side of the aisle have said that we no longer need the Women's Educational Equity Act, but the figures that came out last week from the Census Bureau showed that the pay gap widened between men and women in 2003, and that women's pay slumped for the first time since 1999, falling to 75.5 cents to the male dollar.

I will include for the RECORD the census report that shows the gap between men and women growing, and specifically the fact that women's pay has slumped for the first time since 1999.

I would like to take this opportunity to thank very much Patsy Mink for her hard work and leadership in authoring WEEA. It has made a difference in the lives of millions of girls and women for 30 years by training teachers to treat boys and girls fairly in the classroom, teaching about reducing sexual harassment, and encouraging girls to study math and science among many other things. WEEA ensures that girls and women will succeed in school, plain and simple.

Unfortunately, in this tight budget year, WEEA was zeroed out in this bill. Mr. Chairman, I can assure you that cutting the $3 million to girls' education is totally unfair and will not help in any way to balance the budget.

Women have made great strides over the past 30 years, but these strides have not happened by themselves. It is programs like WEEA that provide the training, the materials and the support for our young girls in the educational system, but we still have a tremendous long way to go before we reach a point when WEEA will no longer be needed.

In 2003, male students scored higher on average than female students in mathematics. Girls represent only 17 percent of the computer science AP test takers. Women are roughly 20 percent of IT professionals. Women receive less than 28 percent of the computer science bachelor's degrees, down from a high of 37 percent in 1984. Women make up just 9 percent of engineering-related bachelor degrees. These statistics are unacceptable, but would be worse without WEEA.

As the educational needs of our society change and grow, as math and technology continue to become prominent skills of our everyday lives, gender equity in our education system is more important than ever. Girls must catch up with boys when it comes to math and technology, and WEEA can help.

This amendment, the Patsy Mink Women's Educational Equity Act, will support our daughters, our sisters, our friends. Vote yes on the Maloney-Woolsey-Sanchez amendment.

I also would like to cite a report that came out recently, the Dingell-Maloney report, that showed that there was a consistent gap between the earnings between men and women for the past 20 years, a consistent 40 percent gap. After making up for time for pregnancy or taking care of sick parents, there is still a 20 percent unexplained gap between men and women's pay. This translates into pensions.

I would consider a vote against this amendment a vote against women, a vote against equity and opportunity for women in the workforce. It begins in the classroom. This program is as needed today as when Patsy Mink first wrote it. So I call upon my colleagues on both sides of the aisle to vote for their daughters, their sisters and their friends, and to support this amendment.

Mr. Chairman, I will place in the RECORD the Dingell-Maloney report that shows the persistent 20 percent gap, which can only be explained as discrimination.

I want to thank very much my colleague, the gentlewoman from California (Ms. WOOLSEY) for her excellent leadership and help on this issue through many Congresses, and the gentleman from Wisconsin (Mr. OBEY) for his fine help.

GAO PAY GAP REPORT HIGHLIGHTS

(Briefing by Reps. Maloney & Dingell)

The General Accounting Office (GAO) examined 18 years of data on over 9,300 Americans for an earnings study commissioned by Representatives Carolyn Maloney (D–NY) and John Dingell (D–MI). The new study is a follow-up to the more narrowly-focused 2002 GAO report on the earnings gap between female and male managers.

Results of the GAO study show: The pay gap is real. Women working full-time today are paid an average of 80 cents for every dollar that men are paid, even when accounting for demographic and work-related factors such as occupation, industry, race, marital status and job tenure. This 20 percent earnings gap cannot be explained due to differences in work patterns or histories.

Differing work patterns lead to an even larger earnings gap between men and women—suggesting that working women are penalized for their dual role as wage earners and those who disproportionately care for home and family obligations. The GAO study confirms that women in the workforce are less likely to work a full-time schedule and are more likely to leave the labor force for longer periods of time than men, suppressing women's earnings even further. And, men with children are paid about 2 percent more than men without children, whereas women with children are paid about 2.5 percent less than women without children.

The pay gap has persisted for past two decades. The GAO study confirms that the earnings gap between women and men has been consistent from 1983–2000, despite a sense of continued progress toward gender equality in the workplace.

The GAO also reviewed other studies and interviewed employers and earnings experts to round out their analysis, leading to troubling questions about the persistent pay gap: Why do workplaces still maintain the same policies, practices and structures that existed when most of their workers did not have obligations to care for children and family life? Why do industries and professions dominated by women pay disproportionately less than male-dominated industries? How much does the pay gap between men and women cost families?

In response to the GAO findings, Representatives Maloney and Dingell seek to establish a new Center for the Study of Women and Workplace Policy at a public university that would serve as a nationwide resource for employers, women and families. The Center would follow up on the GAO study, collaborate with businesses and women's organizations on solutions to the earnings gap, and publish yearly guides on best practices for employers and family friendly workplaces for women.

[From the Feminist Daily News Wire, Sept. 2, 2004]

WAGE GAP INCREASES BETWEEN WOMEN AND MEN, US CENSUS REPORTS

Figures released by the US Census Bureau last week show that the pay gap between women and men widened in 2003. Women's pay slumped for the first time since 1999, with women earning only 75.5 cents to every dollar men earn. The Census Bureau stated that this marks the first ''statistically significant'' decline in women's pay since 1995, AccountingWEB.com reports, with real median earnings of women over the age of 15 fell 0.6 percent to $30,724. The Institute for Women's Policy Research has stated that the 1.4 percent decrease in the gender wage ratio is the largest backslide since 1991.

Though over forty years have passed since the Equal Pay Act was signed in 1963, at which point women earned 59 cents to the dollar men earned, progress to attain its goals has been slow. With more families becoming dependent on women as breadwinners, and with approximately half of women entering retirement alone, the wage gap is a crucial issue that affects the health and well-being of women and their families. The poverty rate for women and girls increased to 13.7 percent from 13.3 percent in 2002, increasing for the third straight year, reports Women's eNews. In addition, the uninsured rate rose more sharply for women at four percent, with the rate for men only rising one percent.

The Asheville Citizen-Times reports that the typical prime-age working woman earned $273,592 over the 15 year period between 1983 and 1998, compared with $722,693 for the typical prime-age working man. In addition to the wage gap, this discrepancy occurs because women work more part-time jobs and take more time out of the workforce to raise children. However, the Asheville Citizen-Times reports that in October 2003 the General Accounting Office released a report titled ''Women's Earnings'' that examined 18 years of data. The report found a 20 percent earnings gap between men and women that could not be explained, even after accounting for factors such as occupation, industry, marital status, and job tenure.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment, because we need to continue to give women the boost they must have yet to succeed in this global economy that we are living in.

Our late colleague, Patsy Mink, authored the Women's Educational Equity Act, which we call WEEA. WEEA and other equity provisions have been doing a very, very good job. But, do you know what? That good job has made this program vulnerable, because it appears that their success could be an excuse to eliminate this good program.

It is hard to believe that the Members of this Congress think that gender equity provisions can be eliminated today because more women are enrolled in college, are graduating from college, or because boys, of all things, have reading scores that are not as good as girls. That is a very shortsighted view.

Women are still underrepresented in math and science and in engineering-related fields, fields that actually pay higher salaries and oftentimes require overseas hiring to fill the positions.

Many girls and women shy away from any sort of science or technology activity, despite the importance of these areas in modern society. We need to fix that, because research has shown that interest in math and science begins to wane in early adolescence.

We want to make sure that girls keep all their options open. They do not have to be scientists, they do not have to be mathematicians, they do not have to be engineers, but when they are ready to go to college, they have to have the option, just like the guys do.

The National Bureau of Economic Research reports that students who do well in math outearn their nonmathematical counterparts even if they do not go on to college. Within 6 years of graduating high school in 1980, young men with strong basic math skills were earning 53 cents more per hour than those with average math skills. The difference between women with stronger math skills and men with average math skills was even more significant, with women earning 74 cents more per hour.

It is clear that increased comprehension in math and science benefits women. The Women's Educational Equity Act program is critical to helping promote equal education opportunities for girls and women by providing funds and assistance to educational agencies. That is why our amendment would protect this successful program by leveling out funding for WEEA at $3 million. We would be taking funds from the Fund for the Improvement of Education, or FIE. These funds fund individual Member projects. I can tell you that every single Member in this body will better serve their constituents if they are serving the women in their school districts.

If our schools do not continue to receive this support, females and minorities will continue to dominate the low-wage jobs, while America's high-wage, high-tech jobs go to foreign undergraduates and foreign graduates. Women will continue to have fewer economic opportunities than men and less access to the careers that will support them and their families. Without these opportunities, this country will be deprived of the highly-educated, highly-skilled workforce we need in the United States to compete in the global economy.

Gender equity in education is not a women's thing. All Americans, men and women alike, have a stake in making sure that all students gain the skill and self-confidence they need in elementary and secondary school to become productive, self-supporting adults.

Mr. Chairman, I urge my colleagues to support our amendment, to protect this important program from becoming yet another unnecessary casualty of a very shortsighted budget.

The CHAIRMAN. Does the gentleman from Ohio continue to reserve his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the last word.

I rise in support of the Maloney-Woolsey-Sanchez amendment. This amendment would provide funds for the Patsy Mink Women's Educational Equity Act program. This is an important program promoted and named after our dearly missed colleague Patsy Mink, who I served with on the Committee on Education and the Workforce.

It is designed to promote gender equality in providing counseling and guidance, physical education and the development of the classroom materials.

A lot of people in Title IX kind of made fun of us women, and yet when you look at the women in the Olympics, these programs work. So we have to make sure that we keep them going.

I understand that I am lucky. I work in Congress. With that being said, I get equal pay. But an awful lot of my colleagues that are my friends that are working on the outside world doing the hard work right next to their male colleagues, they do not get the same pay. So women are disadvantaged in many parts of our society, and equal education offers them the opportunity to grow.

Our women also are living, unfortunately, sometimes in a violent society, especially those in the low-income areas. Think about all the women that right now possibly will be losing their husbands either from the war in Iraq or even from September 11, where we need to and we still continue the trend of educating them so they can educate themselves and have a job. But the majority of firearm homicides are the result of intimate partner violence.

With that being said, on September 13 the assault weapons bill will expire in this country. We know it has saved lives. We know that basically it has certainly put women at less risk, especially those that are in low-income areas and their children.

I do not understand why we cannot bring up the bill for a vote. I do not understand why. The President of the United States has said that he would sign the bill if it got onto his desk.

□ 1530

Well, we are the ones here who are holding it up. He is going to sign the bill. That is a good sign. So I think that we should move forward between today and Monday afternoon and be able to get this vote done so we can continue something that works. A program like this works. We have seen equal education getting better and better. Why are we even looking at a program to either cut it back or to see it expire when a program works?

Police chiefs from all over the country were here today. The rank-and-file were here today. Unfortunately, victims were here today too. I mentioned them many times today. We can cut down on health care costs; we can cut down on those who are in rehab hospitals, some who never leave. We can cut down on the amount of people who are unfortunately injured because of large-capacity clips and assault weapons. The bottom line is, why did we have an assault weapons ban in the beginning? Because too many of our police officers were being mowed down. We are putting that risk right back on the streets again. We are putting that risk to our police officers today, when things are actually even worse than they were 10 years ago.

This is when we should be renewing this ban. This is when we should be making sure our police officers who are protecting us because terrorists are in this country. This is what we should be doing. The American people care about this issue. They count on us, we in Congress, our leaders, our President, to take a lead on this. And we are letting them down, unless somebody has a change of heart. Do not think this is going to go away, because it is not. It will not, unfortunately, because one day we will be standing here and people will be saying, why did we not do something about it, and that is going to be, unfortunately, when we have a tragedy in our school or our police officers are mowed down, and people say, why did you not do something.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of the Maloney/Woolsey/Sanchez amendment to restore Women's Educational Equity Act, or WEEA, funding in the Labor HHS bill.

I am standing here again, as I did in 1999 with my late colleague Patsy Mink, to urge Congress to provide $3 million in funding for this vitally important program.

WEEA was established in 1974 to promote educational equity for girls and women, including those who suffer multiple discrimination based on gender, race, ethnicity, national origin, disability, or age. The program was also established to urge compliance with Title IX which prohibits sex discrimination in federally funded education programs and activities.

In the last 29 years, WEEA has funded more than 700 projects throughout the United States. And, unlike a number of programs this Congress has funded, the results speak for themselves.

Girls and women in this country are doing better. For the first time, women's educational achievement equals or surpasses that of men. Women are also more likely to graduate, more likely to engage in school activities, and less likely to engage in high risk activities.

However, as women advance through their educational careers, they become increasingly less likely to enroll in advanced placement courses, especially those in math and sciences.

According to 2000 figures, only 18 percent of engineering degrees are awarded to women, and only 10.6 percent of employed engineers are female. As a representative from Orange County—one of the largest aerospace and defense industrial bases in the country—I know this is a problem. Time and time again, my aerospace and defense contractors tell me that they simply can't find enough people to hire, especially enough women, and that they are having to turn to foreign students to meeting hiring needs.

It doesn't have to be this way. Programs such as WEEA will help fill those programs with our women.

And because of the lack of role models in these fields, classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women.

Studies show that women teachers, especially in the K–8 grades, often feel uncomfortable or underqualified to teach math and science. Studies also show that many of our young women perceive math and science as "unfeminine." Why is this? Is there something hidden in the curriculum? Is it in the way that we teach? What makes women believe they are best suited for other fields? WEEA programs are searching to find the answers to these questions.

Three million dollars is a small amount of money to expend on a program with tremendous payoffs. Support WEEA. Vote for the Maloney/Woolsey/Sanchez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. There was an amendment brought to the floor just a few minutes ago by the gentlewoman from Guam (Ms. BORDALLO), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and the gentleman from Guam (Mr. FALEOMAVAEGA) regarding Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and it was regarding section 1108 of the Social Security Act, which places a funding ceiling on all Medicaid funding to U.S. territories.

In Guam, Medicaid and CHIP combined cover only about 25 percent of all estimated costs eligible for Medicaid matching grants.

The reason I came to the floor is because we had a hearing on this not long ago and the hearing was as a result of my going to Guam and Saipan and the Marianas to talk to them about health care problems. My Subcommittee on Wellness and Human Rights was looking into the problems they are facing over there regarding health care. They have an absolute epidemic of type 2 diabetes. They do not have enough equipment over there to take care of the population. People are literally dying because they cannot be taken care of as far as their dialysis is concerned. They are running those machines 24 hours a day, Mr. Chairman. Mr. Chairman, they are running those dialysis machines in the Northern Marianas and Guam and Saipan 24 hours a day. The people cannot get health care.

The Speaker of the House of Representatives in Guam had heart trouble. They had to fly him all the way

from Guam to Honolulu to get health care. Otherwise, he would have died. That is the Speaker of the House over there.

I know that there was a point of order raised against this, and I understand that we cannot legislate on an appropriations bill. But I would just like to say to the chairman, this is not a political thing. This is not a Democrat or Republican thing. The people of that area of the world, American citizens are dying because they cannot get adequate health care, and the economy has been hit very hard over there in that region of the world, and they cannot reach the matching grant requirement which is much lower than in the 48 States that we have right here.

So I would just like to say to my good friend, the gentleman from Ohio (Mr. REGULA), and the Committee on Appropriations and all of the members of the Committee on Appropriations, something has to be done about the problem in Guam, Saipan, and the Northern Marianas and American Samoa, because those people over there simply are not getting health care. It is not a question of quality of health care; they are not getting health care. They do not have enough dialysis machines, they do not have enough equipment to take care of people with heart trouble and, as I said before, they are having to go all the way to Hawaii, 4, 5, 6, 7 hours on a plane to have their lives saved.

So I just wanted to bring this to the attention of my colleagues on the Committee on Appropriations, and I will bring it to the attention of the authorizing committee as well; I know it is important to do that. But I am sorry I was not on the floor to discuss this when it came up. I know it would not have done any good, because it is subject to a point of order. But this is something that they are suffering from over there.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Ms. JACKSON-LEE of Texas; an amendment offered by Ms. JACKSON-LEE of Texas; and an amendment offered by Mr. SANDERS of Vermont.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 112, noes 305, not voting 16, as follows:

[Roll No. 425]

AYES—112

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carson (IN)
Case
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Deutsch
Dingell
Doggett
Evans
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Moran (VA)
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rodriguez
Rothman
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Stark
Tanner
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—305

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schakowsky
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—16

Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Jones (OH)
Mollohan
Nethercutt
Ryan (OH)
Schrock
Smith (WA)
Tauzin
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1606

Messrs. FRELINGHUYSEN, SHIMKUS, BISHOP of Georgia, HOYER, CARSON of Oklahoma, CLYBURN, THORNBERRY, LAMPSON, TIBERI, BUYER, ETHERIDGE, SPRATT, Ms. ROYBAL-ALLARD, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Messrs. MILLER of North Carolina, BACA, STRICKLAND, GONZALEZ, KUCINICH, GEORGE MILLER of California, OBERSTAR, OLVER, LANGEVIN and REYES changed their vote from ''aye'' to ''no.''

Mr. LYNCH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 261, answered ''present'' 1, not voting 15, as follows:

[Roll No. 426]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emanuel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—261

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—15

Akin
Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1615

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 114, not voting 14, as follows:

[Roll No. 427]

AYES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George

Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—114

Aderholt
Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Cantor
Carter
Case
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Goss
Granger
Greenwood
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Keller
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (VA)
Musgrave
Myrick
Northup
Norwood
Nunes
Ose
Otter
Oxley
Pearce
Pence
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Rogers (KY)
Rohrabacher
Royce
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Ballenger
Bilirakis
Cannon
Dicks
Dooley (CA)
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1624

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRIJALVA. Mr. Chairman, on September 7th and 8th, 2004, I was delayed in returning from my district due to official business and I missed rollcall vote Nos. 422, 423, 424, 425, 426, 427.

If I had been here I would have voted in favor of rollcall vote No. 422, to name the Harvey and Bernice Jones Post Office Building, and rollcall vote No. 423 to name the General William Carey Lee Post Office Building.

I would have voted "no" on rollcall vote No. 424, the Previous Question regarding the Rule for the Labor Health and Human Services and Education Appropriations bill for Fiscal Year 2005.

I would have voted in favor of rollcall vote No. 425, Ms. JACKSON-LEE's amendment to increase funding in the CDC and NIH for Lupus. I would have voted in favor of rollcall vote No. 426, Ms. JACKSON-LEE's amendment to increase funding in the CDC for Hepatitis C.

I would have voted in favor of rollcall vote No. 427, Mr. SANDER's amendment to increase funding for the low-income home energy assistance program and the weatherization assistance program by $22,000,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 95, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through page 95, line 21, is as follows:

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $120,856,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $669,936,000: *Provided*, That $18,391,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than $10,000,000 shall be provided to the National Board for Professional Teaching Standards, not less than $7,000,000 shall be provided to the American Board for the Certification of Teacher Excellence, and up to $1,391,000 may be reserved by the Secretary to conduct an evaluation of activities authorized by such section: *Provided further*, That $50,000,000 shall be for subpart 2 of part B of title V: *Provided further*, That $100,000,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $801,369,000, of which $440,908,000 shall become available on July 1, 2005 and remain available through September 30, 2006: *Provided*, That $440,908,000 shall be available for subpart 1 of part A of title IV and $203,472,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $128,347,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $11,852,000 may be used to carry out section 2345.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $681,215,000, of which $595,715,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006: *Provided*, That funds reserved under section 3111(c)(1)(D) of the ESEA that are not used in accordance with section 3111(c)(2) may be added to the funds that are available July 1, 2005, through September 30, 2006, for State allotments under section 3111(c)(3).

SPECIAL EDUCATION

For carrying out parts B, C, and D of the Individuals with Disabilities Education Act, $12,176,101,000, of which $6,560,447,000 shall become available for obligation on July 1, 2005, and shall remain available through September 30, 2006, and of which $5,413,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc. to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2004, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,054,587,000, of which $15,000,000 shall be for grants to States under title III of the AT Act: *Provided*, That the Federal share of such grants shall not exceed 75 percent, and the requirements in sections 301(c)(2) and section 302 of the AT Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $55,790,000, of which $1,685,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $104,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $2,025,456,000, of which $1,234,456,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006, and of which $791,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006: *Provided*, That of the amount provided for Adult Education State Grants, $69,135,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited

English proficient populations: *Provided further,* That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $9,169,000 shall be for national leadership activities under section 243 and $6,692,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $101,698,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2004, and shall remain available through September 30, 2006, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2005, and remain available through September 30, 2006, for grants to local educational agencies: *Provided further,* That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,755,794,000, which shall remain available through September 30, 2006.

The maximum Pell Grant for which a student shall be eligible during award year 2005–2006 shall be $4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,247,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,976,056,000, of which $1,500,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: *Provided,* That $9,876,000, to remain available through September 30, 2006, shall be available to fund fellowships for academic year 2006–2007 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $988,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further,* That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $243,893,000, of which not less than $3,552,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $578,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $212,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279 and section 672 of the Individuals with Disabilities Education Act, $526,804,000: *Provided,* That, of the amount appropriated, $195,518,000 shall be available for obligation through September 30, 2006.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $421,055,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $90,248,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $47,790,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 8002(m) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(m)) is amended by striking ''5 years'' each place it appears and inserting ''7 years''.

SEC. 306. None of the funds appropriated by this Act shall be available to the Secretary of Education—

(1) to enforce any change or clarification of Department of Education policy with respect to the Federal Family Education Loan Program Consolidation loans for borrowers with both FFEL and non-FFEL loans, as provided for in a dear colleague letter of the Secretary's dated April 29, 2004; or

(2) to issue letters regarding loan verification certificates to providers of Federal Family Education Loan requesting information regarding William D. Ford Direct Student Loans, including Direct Stafford, PLUS, and Consolidation Loans, that state either of the following:

(A) We cannot approve the certification form (s). The borrower has Direct Loans.

(B) We cannot approve the certification form (s). The borrower has a Direct Consolidation Loan and has no other loans.

This title may be cited as the ''Department of Education Appropriations Act, 2005''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $61,195,000, of which $4,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,672,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to

carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $353,197,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, $400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2005 by Public Law 108–7, up to $20,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determinded by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $60,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,964,000, including $1,500,000, to remain available through September 30, 2006, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,813,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, $261,743,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,905,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,873,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $248,785,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,516,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $108,000,000, which shall include amounts becoming available in fiscal year 2005 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $108,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2006, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,202,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,561,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,454,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $28,578,829,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2006, $10,930,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,674,100,000 may be expended, as authorized

by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2005 not needed for fiscal year 2005 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $124,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2005 exceed $124,000,000, the amounts shall be available in fiscal year 2006 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for Federal-State partnerships, any unobligated balances at the end of fiscal year 2004 shall be transferred to the Supplemental Security Income Program and remain available until expended to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,748,000, together with not to exceed $65,359,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of title III of the bill, insert after the last section (preceding the short title) the following:

SEC. __. For ''SCHOOL IMPROVEMENT PROGRAMS'' for innovative programs, as authorized by part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), and the amount otherwise provided by this Act for ''EDUCATION FOR THE DISADVANTAGED'' is hereby reduced by, $20,000,000.

Mr. SHADEGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SHADEGG. Mr. Chairman, this is an amendment offered by myself and the gentlewoman from Colorado (Mrs. MUSGRAVE), and we believe it is extremely important at this particular time in our Nation's history.

Mr. Chairman, the base bill we have before us omits any funding for title V, part A education block grants, and that program has previously been funded at the level of $296 million. That program is one of the few places where educators in America have flexibility to spend money as they see fit. Indeed, these title V block grants are critical, and they give local educators the flexibility and the funds to address local needs. They are used to reduce class size, buy computers, provide teacher training, and they are used to support remedial reading efforts.

It is the flexibility of these grants that are so important at a time when the no child left behind bill is being funded across our Nation, and some people say there is not sufficient funding. Many local educators have spoken up and said this program needs to be funded.

Indeed, in a letter from the American Association of School Administrators, which represents more than 14,000 school administrators and local education leaders across the country, in a letter dated just yesterday, they said, ''At a time when every dollar flowing from the Federal Government to local districts has a specific purpose, only this funding stream,'' the title V education block grant, ''allows districts the flexibility to use the dollars to meet the unique needs of the local school district.'' The letter went on to say every district benefits from funding under this block grant; therefore, every district would be affected by its elimination, and they reiterate these dollars are helping local school districts implement No Child Left Behind.

I believe there is no opposition to the addition of the funding which this amendment offers. What there is is a debate about the source of that funding. The amendment takes $20 million from the Even Start Program and puts it into this title V education block program. We chose that because it was the only source we could find. We would note that Even Start is already funded at $247 million, and that is a sufficient amount to continue the programs already funded. I urge my colleagues to support the amendment.

AMENDMENT OFFERED BY MR. OBEY TO AMENDMENT OFFERED BY MR. SHADEGG

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to amendment offered by Mr. SHADEGG:

Strike the provisions of the amendment reducing funds for Education for the Disadvantaged.

Insert the following language into the amendment:

''At the end of the bill (before the short title), insert the following new section:

'Sec. . In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the tax year beginning in 2005 the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs Growth and Tax Relief Reconciliation Act of 2003 shall be reduced by $125 for each such taxpayer.' ''

Mr. REGULA. Mr. Chairman, I reserve a point of order on the proposed amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order on the amendment to the amendment.

Mr. OBEY. Mr. Chairman, I certainly have no objection to the gentleman's efforts to provide funding for the block grant program. I think we ought to do that, but I offer this amendment to illustrate that the budget resolution adopted by the majority has put this committee in a position where each time a Member of either the majority or minority party tries to save a deserving program, they are forced to gouge another deserving program in order to pay for it.

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Yet at the same time, that same budget resolution made it possible for the government to provide every person in this country who makes $1 million or more a year with a $127,000 tax cut this year. What this amendment points out is that if we simply reduce that $127,000 tax cut for millionaires by $125, so they would be stuck with a whole $125 less than $127,000, if we did that, we would not have to cut into the Even Start program.

I am not the sponsor of the Even Start program. The sponsor of the Even Start program was a former Republican Member of this House who was a Republican chairman of the Education and Labor Committee, Bill Goodling. I do not think we ought to be going after that program in order to do what the gentleman wants to do. So I am offering this amendment simply to illustrate that there are other ways to deal with this problem that are much more socially just and economically sensible.

I do not see why we ought to be cutting into funding which helps families of disadvantaged children learn to read and write. I do not see why we should be cutting into that program in order to fund the other block grant program. But this is the kind of robbing-Peter-to-pay-Paul situation that we have been backed into by the majority and by the White House.

Mr. Chairman, I offer this amendment in the hopes that the majority will not strike it on a point of order, because I think this is a much more civilized way to deal with what the gentleman is trying to do.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. REGULA. Mr. Chairman, we will have to insist on our point of order because obviously this is legislating on an appropriations, to add the language that the gentleman from Wisconsin is proposing. It violates clause 2 of rule XXI. The rule states in pertinent part that an amendment to a general appropriation bill shall not be in order if it changes existing law. Obviously, this amendment proposes a change in existing law by prescribing changes in tax liabilities; and, therefore, we insist on our point of order.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, the gentleman seeks to strike this amendment on a point of order. I would point out that the purpose of the Budget Act is to force Congress to make choices, to choose between priorities in the process of putting together a comprehensive budget. What the majority has done by the way it has used budget resolutions and the process of reconciliation is, instead, to fragment the budget process so that the Congress never gets to deal with the trade-offs between revenues and expenditures. That, I think, is a fundamental corruption of the original intention of the Budget Act.

I wish that the majority party had not determined to walk down this road, but they have; and under the approach that they have established in the House, I must concede the point of order, but it is too bad because it means that we are going to be gouging one good Republican program in order to pay for one good national program.

The CHAIRMAN. The point of order is conceded and sustained and the amendment to the Shadegg amendment is not in order.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to offer this amendment today with the gentleman from Arizona to restore much-needed funding for the title V block grant program. These funds allow local educators the flexibility to address local needs, whether it is school safety, remedial reading, dropout prevention, professional development or support for charter schools.

This innovative education program is the most flexible program contained within the Elementary and Secondary Education Act. It is the only formula program that allows recipients to use the funds to benefit any and all student populations in any and all schools. In 2001–2002, 23 percent of the money provided to Colorado through this block grant was used for literacy programs, and 11 percent was used for library materials. Other States have used the money for computers and teachers. Many States are now using the money to meet the academic requirements of No Child Left Behind.

I am extremely supportive of giving our local educators flexibility with their funding so they can make decisions that truly benefit students. These innovative education funds can be used for anything to improve academic achievement. I urge my colleagues to support this amendment and restore these funds.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I think it is a fairness issue because we want to give all the children in the schools of the United States an opportunity. What this does, and unfortunately we had to drop it from the original bill, it was $296 million last year and down to zero, in an effort to beef up a lot of programs that are very important to Members.

But I think in fairness this is a very modest amendment that is being proposed by the gentleman from Arizona. It is $20 million. It gives the schools that are taking responsibility, the parochial schools, some of the private schools, some of the schools that are in another venue, and it is a modest amount to say to them, we understand and we care about what happens in your school, too. We care about the students in your school, that they get an equal shot or at least some help, a recognition of the importance of that.

The Even Start program will still have a lot of money left. It is not as if we are putting it way behind. In light of all that, I strongly support the amendment proposed by the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. SHADEGG. Mr. Chairman, I thank the chairman of the subcommittee for his support of this amendment; and to my friend from the opposite side of the aisle, I want to make it clear to him, we did propose a much more modest amendment, only $20 million. Our original goal had been to restore the entire $296 million. I would hope that in negotiations with the other body you would find, as I know the chairman will look to find, funds to put into this block grant program. I understand and sympathize with the remarks he made in his effort. Hopefully, as this bill moves forward and he will be in the conference and I will not, you can restore these funds even above the $20 million level here. Our effort was to be sure there was a line item in the bill as it leaves the House for you to work with as you go to the Members of the other body on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 506. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, we recognize the validity of the gentleman's point and we certainly, in light of the circumstances, concede that the point of order is valid.

The CHAIRMAN. The point of order is conceded and sustained and that provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in

part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 516. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 517. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 518. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. (a) Paragraph (2) of section 1122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)) is amended—

(1) by striking ''If sufficient funds'' and inserting the following:

''(A) CONCENTRATION GRANTS.—If sufficient funds''; and

(2) by adding at the end the following:

''(B) TARGETED GRANTS.—Notwithstanding the inability of a local educational agency to meet the minimum eligibility criteria described in section 1125(a)(1) for a fiscal year, if sufficient funds are appropriated, the amount made available to the agency under section 1125 for that year shall be—

''(i) if the agency met such minimum eligibility criteria and received a grant under section 1125 for the preceding fiscal year, not less than 67 percent of the amount of such grant; or

''(ii) if the agency met such minimum eligibility criteria and received a grant under section 1125 for the second preceding fiscal year (but not the preceding fiscal year), not less than 34 percent of the amount of such grant.

''(C) EDUCATION FINANCE INCENTIVE GRANTS.—Notwithstanding the inability of a local educational agency to meet the minimum eligibility criteria described in section 1125A(c) for a fiscal year, if sufficient funds are appropriated, the amount made available to the agency under section 1125A for that year shall be—

''(i) if the agency met such minimum eligibility criteria and received a grant under

section 1125A for the preceding fiscal year, not less than 67 percent of the amount of such grant; or

''(ii) if the agency met such minimum eligibility criteria and received a grant under section 1125A for the second preceding fiscal year (but not the preceding fiscal year), not less than 34 percent of the amount of such grant.''.

(b) The amendments made by this section apply only with respect to funds appropriated for fiscal year 2005 or any subsequent fiscal year.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. OBEY. Mr. Chairman, I also reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, first let me state I realize this amendment is subject to a point of order so I will withdraw the amendment, but I want to take the opportunity to raise an important issue that is of great importance to the Fairfax County school districts which I represent.

Mr. Chairman, No Child Left Behind requires the Department of Education to use the most up-to-date poverty data from the Census Bureau when determining eligibility for title I grants. The intent behind this requirement is sensible. We want title I funds going where they are most needed.

That said, two of the four available title I grant programs, Targeted Grants and Education Finance Incentive Grants, have a 5 percent cutoff for eligibility. If a school district falls below this level, they lose all funding through these grants. There are no hold-harmless provisions for a drop in poverty rates.

In the case of Fairfax County, our most recent poverty figures fell about 1 percent to 4.94 percent. While this figure represents a small number of students, 106 students to be exact, it has equated to a 26 percent reduction in title I funds.

□ 1645

We lose almost $3½ million for losing 106 students. That is about $33,000 a student. My concern is not just that my local school district has lost $3.3 million for the coming school year, it is that a school district like Fairfax County can hover at around the 5 percent level year after year, and this makes it impossible to plan effectively since it is unclear from one year to the next whether these funds will be available.

Our amendment would implement hold harmless provisions for targeted and EFIG grants. The first year the school district fell below the 5 percent level, it would still be eligible for two-thirds of the amount they received the previous year. The second year it would be eligible for one-third. The third year it would lose eligibility.

In my estimation such a stair-step system would better reflect a true change in the demographics of a given school district and allow better planning from year to year. As I said, this equates to almost $33,000 a student for a loss of 106 students.

I will withdraw the amendment, but hope that the members on the authorizing committee and appropriation committees will work with us in the future to try to look at such a stepped approach, which I think makes for better planning.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of this amendment which will help to correct an ''unfair penalty'' relating to Title I funding for some of our nation's most deserving schools.

There are four different grant categories which deliver Title I funds to school districts: Basic Grants, Targeted Grants, Education Finance Incentive Grants (EFIG), and Concentration Grants. The Department of Education maintains a 5 percent poverty level ''cliff'' for Education Finance Incentive Grants and targeted grants.

This means that if a school district's poverty line falls below five percent, they lose a significant portion of their Title I funds.

The Davis-Moran amendment would provide a phase out of funds over several years, for example, if the school district falls below the 5 percent requirement, they would only lose 33 percent the following fiscal year. After the second consecutive year, they would lose 66 percent. After the third year, they would lose all funding. If a school district's poverty data rose above the 5 percent minimum level, it would be fully eligible to receive education finance incentive grants and targeted grants.

As a representative of one of the largest public school systems in the country, Fairfax County, I am deeply troubled that they are set to lose over $3 million in Title I funds because their poverty level is 4.96 percent, slightly below the 5 percent floor required for most Title I grants.

This loss of Title I funds is going to have a devastating impact on several school districts and comes at a particularly critical time. School districts are facing the public choice and supplemental services sanctions mandated by No Child Left Behind, and these same school districts are going to be forced to redirect Title I funds out of the very classrooms where they are needed the most.

No Child Left Behind stipulates that the Department of Education must use the most-up-to-date poverty data from the Census Bureau in determining a school district's eligibility to receive Title I funds.

Because of this, the Department of Education is using data from census year 2000 for their calculations of poverty rates. Unfortunately it is 2004 and we do not have the same economy that we had 4 years ago.

In Fairfax County alone, the student population eligible for the free and reduced-price lunch program has increased by 18 percent since FY 2000. This data more clearly reflects the need of the Fairfax County school system to receive Title I funds than old census data.

Because Title I funds are allocated on the basis of poverty and not the basis of free and reduced price lunch eligibility, this school system stands to see their Title I funds decreased by 26 percent, the largest dollar decrease of any school division in the country.

This poverty threshold calculation actually under emphasizes significant pockets of poverty in otherwise relatively wealthy school districts. The Fairfax County Public School System is a perfect example of a school district which includes the wealthy areas of Great Falls and McLean but also the traditionally underserved areas of the Route 1 Corridor and Baileys Crossroads, where a majority of students on free and reduced lunch reside.

This calculation is not fair to those students in the poor sections of a wealthy county, and does not accurately portray the needs of them, their teachers and their schools.

I urge all my colleagues to adopt the Davis-Moran amendment and make the Title I funding formula more equitable in order to ensure that no child is left behind.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce section 4010(c) of the Employee Retirement Income Security Act of 1974.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to offer an amendment to better protect the pension benefits of millions of Americans. Workers' retirement security has been taking it on the chin for the last 4 years. First, tens of thousands of workers and retirees lost their retirement savings after the Enron and WorldCom debacles. Then the Bush administration tried to restart the cash balance conversions and cut the pensions of millions of older workers. Under that proposal millions of older workers would have seen their pension benefits cut up to in half, and they would have had no way to return and repair the amount of money that they were planning to retire on. And now we find out that thousands of pension plans are, in fact, underfunded, and many are considering the termination and the dumping of billions of dollars of liability on the Pension Benefit Guaranty Corporation, the agency that ensures the workers of this country's pensions.

The Pension Benefits Guaranty Corporation has gone from a $7 billion surplus to a $10 billion deficit in just 2

years. The GAO has it on its watch list of high-risk agencies. And a handful of airlines, including United, Delta, and US Air, may soon dump more liabilities on the Pension Benefits Guaranty Corporation that reach as high as $30 billion.

One of the worst parts of this is that the workers have no idea that their pension funds are underfunded and at risk, that their employer could default on their pension promises. Let me say that again. That while these plans are underfunded, and while they are at risk, the workers are not informed of that information. Pension law requires underfunded pension plans to report their underfunding to the government, but not to the workers.

My amendment is simple. I prohibit the Pension Benefit Guaranty Corporation from enforcing the part of the law that prohibits them from disclosing to workers and to retirees the funding status of their pension plan. After all, this is their money. This is money that they have contributed to those pension plans. It is money that they are planning on for their retirement. It is money that they are planning on for their future, and it is money that they cannot replace if they are an older worker. They ought to have this information.

Most interesting is the fact that the Pension Benefit Guaranty Corporation wants to make this information public. The Bush administration has said that they support making it public. But this provision in the law prevents them from doing this.

There is no reason why the government should know the status of company pension plans, but the workers should not. Workers are losing more and more each day under the administration's proposals on pension. Their jobs are being outsourced overseas. Their wages are falling. They have no protection of an adequate minimum wage. They are either losing their health care benefits or paying more in copays and deductibles and more of their wages on skyrocketing health insurance premiums, and they are losing their retirement security.

We have got to be able to provide them this information. This is very analogous to the workers at the Enron Corporation. The corporation knew that their 401(K) plans were in serious jeopardy. The corporation officers were unloading the stock because they knew they could not continue that criminal enterprise that they were engaged in in ripping off the energy consumers of this Nation. They unloaded. They got out. They took care of their golden parachutes. But the workers lost their 401(K) plans.

In this Congress we listened to the testimony of these workers as they talked about their entire retirement being destroyed, workers who were 60 years old, 65 years old, who had worked 10 and 15 and 20 years, who were planning to retire, no way to replace those savings. And now we see, and now we see, that there are hundreds of corporations that are underfunding; in fact, over 1,000 corporations that are underfunded according to the law in their pension plans, but this information is disclosed only to the Pension Benefit Guaranty Corporation and not to this.

Why am I here with this amendment on the floor? Because I have requested the chairman of the committee to ask to make this information public, and he has refused to do so. If he would do that, the law provides that it would be made available to the Members of Congress. At least we could start to see some of this information. But that will not be done.

The fact of the matter is this, and it is very simple: The workers in these corporations paid into these pensions. The corporations contributed to these pensions. The workers gave up other benefits to get these pensions. That money belongs to the workers. The workers ought to have the information.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, it is just a matter of decency. We see now major reforms going on in the administration of mutual funds and how their relationships are on behalf of workers, the disclosures of fees, the disclosures of their transactions, time days, one scandal after another, with people cheating the owners of the money out of their funds. Now we see the machinations of corporations as they try to cover up the potential liability or the potential failure or the loss of these pensions of the workers. Transparency is the watchword of the day. The workers of America, of corporations that are in danger of unloading these pensions and getting rid of these pensions, the workers of this country are entitled to that information.

I would hope that this House would support this in the name of the transparency, in support of the position of the Bush administration, in support of the position of the Pension Benefit Guaranty Corporation that this information should be made available, and I would urge an aye vote.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

I rise in strong support of the amendment by the gentleman from California (Mr. GEORGE MILLER). I think most Americans, Mr. Chairman, would be shocked to know that information about their pension which they own is not available to them at the same time it is available to a government agency.

When the President speaks about Social Security, he is fond of talking about trying to create accounts which are private property of citizens so that we can know what is ours. Pensions are already private property of citizens. When one contributes to a pension fund, or their employer contributes on their behalf to their fund, they own it. But under the present law, one of the more remarkable laws that we have on the books, if the pension fund that one's employer sponsors is in trouble, if it looks like it is going to be unable to pay benefits because its costs are exceeding its revenue, and it looks like the fund might crash so that the Federal Government, under the jurisdiction of the Pension Benefit Guaranty Corporation, will have to step in and make the pension fund whole, the law says that one's pension fund has to tell the Pension Benefit Guaranty Corporation that it is in trouble, and it has to disclose the nature of that trouble. So this government agency gets this information about one's pension fund being in trouble and their check being in jeopardy. Believe it or not, there is a statute that says once this government agency has this information that a person's pension is in trouble, it cannot tell him.

We do not understand that. We think if someone works for a company, and is counting on their pension being delivered, and has contributed to that pension, and has had the employer contribute to that pension, and the pension is in jeopardy so much that the trustees of the fund have to report that trouble to a government agency, we think that the citizens, the pensioners themselves, have a right to know.

That is what the gentleman from California's (Mr. GEORGE MILLER) amendment does. It prohibits the administration, prohibits the executive branch, from enforcing this secrecy law. One's pension should not be held secret from them if they are an employee or a citizen or a future pensioner. That is what this says.

It is my understanding that, as the gentleman from California (Mr. GEORGE MILLER) said, in fact, the administration supports this change, wants this information to be made public.

I do not believe this is a partisan issue. I think that responsible Members on both sides of the aisle would understand that if their pension is in trouble, they ought to have a right to know it, not later after the pension fund has failed and they do not get their check, not after it is too late to do something about it, as was in the case of the Enron and WorldCom employees, but now, as soon as it is timely, so they can do something about it.

So if the Members believe, as I think people on both sides of the aisle do, that someone's pension is their property, and if they believe, as I think people on both sides of the aisle do, that they have the right to know about the dynamics and phenomena happening about one's own property, and if they believe that some government agency has the right to know what is going on with their pension and they should, too, if they believe those things, then they ought to vote for the gentleman from California's (Mr. GEORGE MILLER) amendment. It is an

idea that is supported, to my understanding, by the administration. I hope it would be supported by both sides of the aisle here. I would urge a ''yes'' vote.

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the concerns of my colleagues on the other side, but I rise today in opposition to their amendment. And while they make it sound simple as it would normally be the case, there is nothing at all simple about the amendment that is being offered.

The 4010 information that is required to be submitted to the Pension Benefit Guaranty Corporation would be for any defined benefit pension plan that has a negative balance actuarially of at least $50 million, and these could be public companies, they could be private companies. And the information that has to be supplied to the Pension Benefit Guaranty Corporation is not just information about where the pension fund is. It also includes all types of detailed information about the finances of the company itself.

□ 1700

For private companies who may be in this position, this is very sensitive information.

The reason we have not dealt with the issue as yet is we have been working on a long-term fix for the defined benefit pension plans. As we get into those conversations, we have had a number of hearings over the past couple of years, we passed the Pension Equity Funding Act earlier this year, signed by the President, to fix the most immediate problems.

But as the gentleman from California (Mr. GEORGE MILLER), the author of the amendment, well knows, we have had a number of hearings last year and this year about the long-term problems facing defined benefit pension plans, a traditional pension plan, and what we hope to do is to have a bill next year that would revise all of the funding rules to make it easier for companies to comply with the rules and, most importantly, to ensure that companies are funding their pension plans.

As part of this overall bill, I think there may be a way to address the concerns raised by the gentleman from California (Mr. GEORGE MILLER) in terms of who the companies are or the extent of their pension issue, without disclosing all of the sensitive financial data that must be submitted to the Pension Benefit Guaranty Corporation.

So I would urge my colleagues to vote no on the Miller amendment, and my colleagues should know that a commitment is on my part to the gentleman from California (Mr. GEORGE MILLER) and to all of my colleagues that we will address that portion that is not nearly as sensitive on the financial data as we deal with the broader overhaul of our defined pension benefit laws and regulations.

I would urge my colleagues to vote no.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I thank the comments of my chairman, the gentleman from Ohio (Mr. BOEHNER), on this situation. But I must say I continue to disagree with the gentleman, and I disagree on two grounds.

First and foremost, we have made several requests to him to ask the PBGC, and we have specifically have asked, the Democrats on the committee have asked the PBGC for this information. They will not make it available to the committee, much less the public. They will not make it available to the committee because the chairman of the committee must make that request to them.

So when you talk about us going into long-term pension reform, Mr. Chairman, at a minimum we ought to have this information about the magnitude of the problem and the variations among the various corporations and the industries that are involved in this, if we are going to, in fact, deal with some kind of long-term and necessary fix, that I hope we will, and I thank you for holding those hearings. We need that information as members of the committee at a minimum.

But, furthermore, this information was available up until 1994. Then the Clinton administration cut a deal on the financing of GATT, and this information, the corporations prevailed on them to make this secret in exchange for a premium increase to pay for GATT. Who got left out? Who was not at the table? The American worker. So all of a sudden they did not get the information anymore.

The point and the magnitude and the necessity for this amendment, let me just point out that according to Standard & Poor, 290 of the 362 companies in the Standard & Poor's 500 that offer defined benefit plans are underfunded by $165 billion in 2003.

The point is this, that this is a huge, looming problem. You know the people who just went through bankruptcy at U.S. Air and thought they had cured their problem? Well, when United said, we think we might offload our pension onto the public taxpayers, all of a sudden the people at U.S. Air are in trouble again.

We think these people ought to have that information, so they, when they are negotiating, because if United does this, it is a likelihood that U.S. Air does it, and if U.S. Air does it, it is a likelihood that Delta will do it.

Well, that is a catastrophe for the PBGC and for those workers. There is something about transparency. We insisted in other financial arrangements where individuals have their money in the hands of third parties, and in this case we ought to do it for corporations.

So I appreciate, and I have said to the chairman very often, that he has given attention to this problem. We hope to have a long-term solution. But this is fundamental to the rights of workers at this most perilous time with respect to the security of their pensions.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. If I understand this correctly, the corporation would have to disclose information under the requirements of this section that would go beyond the pension part of their liability.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would yield further, I appreciate that argument, but in reviewing the case, the Bush administration said they support the disclosure under this provision of the law, and the PBGC supports that. I do not think these two entities are interested in destroying these corporations. The fact of the matter is this information was made available for many years.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman from California, and I fully agree with his statement.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all day today we have been hearing so many different issues coming up onto the floor that are concerning so many people, and I thank the ranking member, and I thank the chairman, and I thank the ranking minority ranking member on the Committee on Education and the Workforce for bringing these issues up.

I am here because I am not allowed to bring up the assault weapons bill onto the floor. With that, I will continue for the rest of the evening and all day tomorrow and all day Monday to talk about how we need to get the President involved to be able to make some phone calls to the Speaker of the House. I know that he supposedly is going to be meeting with all the police officers and chiefs that we met this morning to try and convince them that this is what the American people want, this is what our police officers want.

It comes down to a safety issue. There are so many things that we have to handle here, and we actually, in my opinion, have wasted an awful lot of time this year. We have done more politicking than we have done actual work, and that is too bad, because the only one that suffers is the American people.

If the assault weapons ban is not renewed, the American people in the end will suffer, our children will suffer, our communities will suffer, our health care system will suffer.

This is a bill that is already in place. They say enforce the law. Well, let us continue enforcing the law. Let us make sure the assault weapons bill stays in place. It saves lives. It does not cost us a penny.

I just heard that one of the large gun manufacturers, with every assault weapons gun that they buy, they will get a free large-capacity clip. Is that not terrific? It is much easier to mow down our own citizens.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by our colleague and join in offering the amendment by our colleague from California (Mr. GEORGE MILLER). This amendment follows very closely legislation that the gentleman from California (Mr. GEORGE MILLER) and I introduced last year to address this problem.

There are at the moment that we gather here in Congress, I suppose, tens of millions of Americans who are out working, trying to ensure that their families have a better future. As they do their work and they look forward to payday to get their paycheck, one of the things they also consider are whatever benefits that they get with their work. For many workers, particularly those that move in their forties and fifties to begin to think about what retirement lies ahead, they have a particular concern with the retirement plan for their company and whether it will, in fact, allow them to retire in dignity and enjoy the fruits of their labor after they have provided for their family and community, to be able to enjoy a decent, dignified retirement.

In recent years, American employees, American workers, have had good reason to be fearful that that very significant benefit of retirement that they have worked for, with some companies perhaps for 20 or 30 years, will not be there when they need it in full amount.

First there were the employees of Enron. Thousands of them, through no fault of their own, lost their retirement. Then the same thing happened at WorldCom. Thousands of people who had worked for that company almost since its origin losing their retirement future, the hope of a dignified retirement, many of them having to go back into the workforce.

Really, when you look back over the activities of this Congress since the Enron debacle, as far as preventing another debacle for employees at Enron and their retirement futures, or WorldCom, this Congress has done next to nothing to prevent other employees from suffering the same fate.

As the years have gone by and Congress has been inactive, our economy has struggled, and we have begun to see more major companies, particularly in the airline industry, begin to raise questions as to whether they were going to put their pension plan into bankruptcy, whether they were going to stop making pension payments.

This amendment does not solve all those problems. It is a very modest amendment. It simply expresses confidence in the employees, that they deserve to know the same information that their employer is filing with the government bureaucracy.

As my colleague from California just pointed out, were it not for the fine print in legislation that was approved in 1994, we would have the right to know this information. This amendment is based on the principle that if the employee has the information, they can choose to go to another employer who has a fully funded pension plan, or they can turn to their employer and ask, why not? Why am I being given a false promise of a secure retirement, when, in fact, this plan is not funded at a sufficient level to assure that all workers who work here and retire will be able to enjoy their retirement with dignity?

Of course, there is another public policy consideration here, and that is that there is a government agency, the Pension Benefit Guaranty Corporation, that is responsible for ensuring and protecting against those plans that fail. From all of the recent reports about the status of that corporation, we face the potential of something that will make the savings and loan bailout of a few decades back look modest in comparison to the dangers of major pension funds, one after another, going under and placing a burden on this corporation.

The Bush administration came out in support of the very kind of amendment that is being offered here today. As usual, once some special interest began to question the wisdom of this provision, they fell moot. But their recommendation is a matter of public policy; it is clear, and it is out there.

The Government Accountability Office, the Pension Benefit Guaranty Corporation itself, all of these have recommended that this information that they get be made available to the employee so that the employee will be empowered.

This amendment is based on the principle that the workers that are out there deserve the right to know, they deserve the right to be empowered about their pension future, and I can see no good reason not to provide that information.

The suggestion by the chairman of the committee that he has a long-term plan to deal with this is great, but it is a little too long for the term of those who are concerned about their retirement safety and, one after another, pension plans failing.

I urge adoption of the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, I do. But we recognize that since it is a limitation amendment, that it would not be in order. On that basis, I withdraw it.

The CHAIRMAN. The gentleman withdraws his reservation.

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to carry out the modification of coverage policy number 35-26 of the Medicare Coverage Issues Manual R125CM announced by the Secretary on July 15, 2004, in the press release entitled ''HHS ANNOUNCES REVISED MEDICARE OBESITY COVERAGE POLICY–Policy Opens Doors to Coverage based on Evidence'' until the date on which the Secretary submits to Congress a report containing the Secretary's estimate of the increased costs to the medicare program by reason of such modification of coverage policy.

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) reserves a point of order against the amendment.

The gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes in support of his amendment.

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

Mr. STEARNS. Mr. Chairman, this is a very simple amendment. Obviously the chairman has reserved a point of order. He might want to listen to my arguments. Perhaps persuasiveness of what I have to say will change his mind.

All of us know that on July 15, 2004, the Secretary of Health and Human Services announced that Medicare would allow for the coverage of antiobesity treatments and interventions by Medicare.

□ 1715

He said this would go on as long as scientific and medical evidence demonstrates their effectiveness in improving the health of beneficiaries on Medicare.

Now, the question I have, and part of my amendment here is, we do not know what this means. Does this mean that it is going to have an immediate impact on Medicare's coverage? Does this mean there are new benefits? We just do not know. Because the Secretary is saying, let us just take a look at this treatment or at that treatment, evaluate it on the basis of improving the health of individuals.

So my amendment is basically saying, okay, Mr. Secretary, if you want

to go ahead and look at the coverage of somebody who is overweight, give them treatments or intervention and use taxpayers' good, hard-earned dollars to do so and you want to do it on the basis of scientific and medical evidence, what is it going to cost?

So I would urge the chairman to put this in the mix, maybe perhaps in conference or something, because we all know that Medicare is increasing, in light of obesity contributions, which is in the billions of dollars to Medicare, the Nation's health care costs, this just may be the thing that increases it dramatically. Part B premiums are rising at 17 percent. We have heard Senator KERRY talk about that on the campaign trail. So what is the cost of this new benefit that we are speculating might occur after we prove the scientific and medical evidence to use it?

I think that, besides information about health outcomes, information about the possible consequences and obesity policy changes in future premiums would be useful and also should be part of this debate.

Now, all of us in this Chamber and throughout America believe in preventive health treatments, and for Medicare, we accept that. Medicare beneficiaries are now offered ''Welcome to Medicare'' physicals and screening for diabetes and heart disease. But, obviously, these new benefits are passed along in premiums to beneficiaries, and we should also talk about that.

Now, I remind my colleagues that on August 27, Federal Reserve Chairman Greenspan was speaking about Social Security and Medicare entitlements, and he warned his audience at that point, he said, ''If we have promised more than our economy has the ability to deliver to retirees, as I fear we have, we must recalibrate our public programs so that pending retirees have time to adjust.''

Let us think about what we promise and what we decide as a Nation to cover and, more importantly, what is the price tag for these new benefits for the beneficiaries.

With 64 percent of the American population that is overweight, a substantial number of beneficiaries may likely qualify for this new coverage, and that will increase the cost. Moreover, with the declaration of obesity as a disease, we tread into public funding and issues involving sheer behavior. Now, science certainly points to biological contributions to obesity, for example, genetics or uncontrolled metabolism. But still, there are undoubtedly behavioral choices involving what we eat and whether we exercise. These are a matter of personal preference and choice, and I think it is dangerous to say that, just because Medicare is a public program, it can insert itself into private decisions.

Recently, in an article in Reason Magazine on ''The War on Fat,'' they write that the argument based on taxpayer-funded health insurance proves too much. It gives the government an open-ended license to tax, regulate, or ban any behavior that might lead to disease or injury. If diet is a political issue, what is not? The same logic suggests that government should take an interest in how much we sleep or whether we floss regularly.

So I submit, Mr. Chairman, that we should find the cost of this new benefit to Medicare and, obviously, trial lawyers also may use the policy change as another weapon in their arsenal.

So, Mr. Chairman, in light of your distinguished leadership here and you are saying that it is out of order, I am willing to withdraw this amendment. I recognize that this is perhaps not the appropriate place, but I urge the chairman and his colleagues on the conference committee to consider defining the cost before we allow this new benefit to continue.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand what the gentleman is getting at. I think it is a very difficult definition as to what obesity would be because there are so many factors, but what we might consider and will look at in the conference would be some language just asking the Secretary to give us some idea of what kind of costs are going to be involved in implementing a program of this type, without putting a huge burden on the Secretary to implement or to go ahead with the program.

So I think the gentleman from Florida has served a useful purpose of causing us to focus on what could be a significant challenge prospectively.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for his leadership and consideration on this; and I think perhaps that is a compromise, to ask the Secretary how much it will cost to implement this, based upon this sort of general understanding of what he is going to do. So I thank the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $1,425,000,000.

Mr. HEFLEY. Mr. Chairman, I rise today to offer an amendment that would cut discretionary spending in this appropriations bill by $1.4 billion, an amount equal to 1 percent of the $142.5 billion discretionary spending price tag. As many of my colleagues know, I have offered a similar amendment on many of the appropriations bills.

Let me begin by saying, however, that I recognize the difficult job the committee has had in putting together this bill. It is complex, it is big, it is a lot of money, it is important, and there are many, many good things in this; and I commend the chairman and the ranking member, particularly, for their effort in this, to produce a bill with as many good things in it as there are.

However, the fact remains that the Federal budget for fiscal year 2005 is going to be too large. Until we can make a dent in the outrageous level of the Federal deficit, we must be even more diligent in reining in spending. I do not think it is too much to ask to trim the budget for this spending bill by a mere 1 percent and prove to the American public that we want to make a priority of balancing the Federal budget.

I also want to point out that this amendment is structured so that the administration would maintain the ability to determine which accounts should be cut or scaled back in order to achieve this rescission, rather than cutting all programs across the board. My intent is not to single out all programs for reduction, but I am confident that we can eliminate some of the waste and abuse and find a way to trim 1 percent of the total spending.

Thus, I ask my colleagues to support this amendment and reduce the amount of discretionary spending in this bill by 1 cent on the dollar.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand the gentleman's concern, and it is a worthy objective, but we have tried already to cut back. When we know that we are bringing out a bill of this magnitude that affects the lives of 280 million Americans in terms of their education, in terms of their health resources, in terms of the ability to find new employment opportunities, we have already pushed that as hard as we can; and we are under the cost of living. It is only a 2.2 percent increase over last year.

I think we have worked very hard to meet the needs of the American people in a very responsible way. While it seems like 1 percent is not a lot, it is $1.4 billion. And do we start taking it out of programs for special needs children, do we take it out of the title I, or do we take it out of health research? We realize the difficulty of applying something like this across the board.

Reluctantly, I oppose the amendment because I think we have already made a real effort to make this bill as financially responsible as possible, given the challenges of meeting the needs of the people of this Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Hefley amendment will be followed by one 5-minute vote, as ordered on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The vote was taken by electronic device, and there were—ayes 79, noes 333, not voting 21, as follows:

[Roll No. 428]

AYES—79

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Buyer
Chabot
Chocola
Coble
Collins
Cox
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Jenkins
Jones (NC)
King (IA)
Kingston
Lewis (KY)
Linder
McCotter
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Whitfield
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—21

Ballenger
Bono
Cannon
Crane
Cummings
Engel
Gephardt
Goss
Istook
Millender-McDonald
Mollohan
Moran (VA)
Nethercutt
Ney
Portman
Ryan (OH)
Schrock
Smith (MI)
Tauzin
Watson
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1752

Messrs. RUSH, BRADY of Pennsylvania, FRANK of Massachusetts, Ms. SCHAKOWSKY, and Messrs. OWENS, LYNCH and ISRAEL changed their vote from ''aye'' to ''no.''

Messrs. SULLIVAN, OTTER, MARIO DIAZ-BALART of Florida, and WHITFIELD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 428 I was detained by my constituents and was unable to get to the floor in time for voting. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 148, not voting 17, as follows:

[Roll No. 429]

AYES—268

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)

Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—148

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burton (IN)
Buyer
Calvert
Cantor
Carter
Chocola
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Isakson
Issa
Istook
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—17

Ballenger
Bono
Cannon
Crane
Engel
Gephardt
Goss
Hunter
Mollohan
Moran (VA)
Nethercutt
Ney
Nussle
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1805

Messrs. TAYLOR of North Carolina, ADERHOLT, SHUSTER, SWEENEY, WAMP, Ms. HART and Mr. WALSH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1800

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are now more than 8 million people out of work in this country; 3 million have been out of work for so long they have exhausted their unemployment compensation benefits. We have more than 1.5 million fewer private sector jobs than we had 4 years ago, and the administration's response to that has been to impose new regulations allowing employers to chisel workers on overtime protection, despite the fact that cost of living has risen twice as much this year as last year, despite the fact that gas prices, college tuition, and health care costs are going through the roof.

I had planned at this point to offer an amendment with the gentleman from California (Mr. GEORGE MILLER) which would block most of the sections of that new rule with one exception: We would have allowed the changes to go forward that improve the situation for workers that make between $8,000 and $23,000 a year. But now I have been told that if I intend to offer that amendment tonight, the majority will shut down the House for the evening.

The record will show that the minority on every single appropriation bill has cooperated procedurally with the majority, even when we have not agreed with the content of those bills, in the interest of comity in the hopes that somehow we could reach compromise and accommodation as we move through the process.

In spite of that cooperation, the majority by the end of this fiscal year will only be able to show that they have passed 1 and possibly 2 of the 13 appropriation bills. I want it made clear that the reason for that miserable record is because of the rigidity of the majority and because of their refusal to work with the minority or even other members of the majority in the other body. This is part of a long pattern of procedural abuse.

On prescription drugs, the majority held the vote open for 3 hours when they did not get the result they wanted. On the PATRIOT Act, the Sanders amendment was held open for 40 minutes until enough arms could be broken on the majority side. On vouchers on the D.C. bill, the roll was held open for 50 minutes until the majority could achieve a different result. On campaign finance, the House was kept at bay for 2 hours before the majority moved ahead.

I would simply make this point, Mr. Chairman. The majority is busy trying to bring the nicer points of democracy to Iraq. It would be nice if they would recognize those same niceties here at home.

I want to make one further point. People are asking me, why are you cooperating procedurally on bringing the Labor, Health, Education bill to the floor when you are so opposed to its contents? Well, there are two reasons. First of all, because we believe on the minority side that these issues ought to be debated even if we do not win. Secondly, very frankly, I want the record to show in the end that even though the minority has given the majority every single procedural cooperation that we could, that the majority has still not been able to perform because of its own rigidity and because they refuse to work with anybody, because they refuse to compromise with anybody.

It is outrageous after we have been asked for so long to bring this bill to the floor, they now want to pull the bill so they have another chance to twist arms overnight.

Do you really want to put workers in so much of a corner that you will not even allow us to have a vote on this overtime provision? We already won this vote once in the House, we won it once in the Senate, and yet the majority leadership arbitrarily stripped it out of the bill last year. Now you are trying to play the same game this time. I hope that every majority Member who intends to vote for this amendment tomorrow, if the House comes back into session on this bill, I hope you will stick with your conscience overnight and not cave in to pressure by tomorrow morning.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. REGULA).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 195, not voting 23, as follows:

[Roll No. 430]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert

Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Ballenger
Bono
Cannon
Clyburn
Crane
Engel
Gephardt
Goss
Hinojosa
Kleczka
McGovern
Mollohan
Moran (VA)
Nethercutt
Ney
Norwood
Nussle
Paul
Ryan (OH)
Schrock
Strickland
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1829

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 757, EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider House Resolution 757 in the House; the resolution shall be considered as read for amendment; the previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) 1 hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

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

There was no objection.

REPORT ON H.R. 5025, DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. ISTOOK, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–671) on the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. HILL. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. HILL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that—

(1) extends the tax relief provisions which expire at the end of 2004, and

(2) does not increase the Federal budget deficit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Indiana (Mr. HILL) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HILL).

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

Mr. Speaker, today I am here to introduce a simple, but important, motion before us. My motion calls on Congress to extend expiring middle- and low-income tax cuts set to expire at the end of this year without increasing the deficit. We have seen broad and bipartisan support for extending the middle-class tax cuts. We have also seen bipartisan support for the concept of pay-as-you-go to avoid further increasing the ballooning budget deficits facing our Nation. The motion before us asks the conferees to be sure that Congress achieves both of these goals.

We have already seen a bipartisan proposal from the Senate extending for a year middle-class tax cuts without increasing the deficit. And the Blue Dogs have offered a corresponding bill in the House.

□ 1830

There are some simple solutions to making these cuts budget neutral, and I would suggest that they are relatively noncontroversial, such as closing various tax shelters that are being abused.