United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JULY 10, 2003 No. 101

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 10, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. William H. Harter, Pastor, The Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania, offered the following prayer:

Almighty God, Creator of the Universe, we praise You this day for the gift of life. You have granted us freedom and established sovereignty in our land by the will of Your people, expressed through those elected to lead.

Bless those who gather here to consider and to act. May they be enlightened by Your wisdom, moved by Your compassion and empowered by zeal for Your justice. Enable them to be faithful to their calling. May trust in You make them unafraid.

We assemble, Lord, in time of war. Unless You watch over the city, the guard stays awake in vain, Psalm 127:1.

Have mercy on us, Lord. Grant Your protecting grace. May Your perfect love cast out fear. Pour out comfort, strength, resolve, confidence, and hope upon this House, upon all who defend freedom, and upon all who humbly seek peace in every place.

In Your holy name. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

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

WELCOMING THE REVEREND DR. WILLIAM H. HARTER

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

Mr. SHUSTER. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Dr. William H. Harter from the Presbyterian Church of Falling Spring in Chambersburg, Pennsylvania. Reverend Harter is a graduate of Williams College, Williamstown, Massachusetts, and received his master's in education in the social sciences from Harvard University. In addition to his extensive graduate study, he received a Ph.D. in the New Testament from the Union Theological Seminary in New York City.

Dr. Harter ministered to the Catskill Mountains community in New York from 1967 to 1977, before becoming minister of the Presbyterian Church of Falling Spring in Chambersburg.

In 1977, Dr. Harter and his wife Linda, herself an ordained Presbyterian minister, settled in Chambersburg and have been active members of the community. Not only is Dr. Harter committed to the religious development of his church, he has been active in many organizations, including those devoted to helping the homeless and troubled teenagers, and has been an elementary basketball coach. He is also the current president of the Chambersburg Area United Churches.

In addition to his work in Chambersburg, Dr. Harter has participated in several organizations whose work is focused on Jewish-Christian relations and Middle Eastern affairs. He has traveled extensively in the Middle East, including 36 trips to Israel.

Dr. Harter and his wife are the proud parents of five children and the grandparents of five grandsons. The Harters have been a part of the Chambersburg community for many years, and it is an honor for me to welcome him here to the House of Representatives, and I thank him for his continued dedication to his church, his community, and his country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes on each side.

Printed on recycled paper.

NATURAL GAS CONSERVATION

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

Mr. SHIMKUS. Mr. Speaker, demand for natural gas is expected to rise by as much as 50 percent over the next 25 years. Currently the Nation's inventory of natural gas lags behind past inventories of the popular fuel, and rising demand illustrates the need for consumers to become mindful of energy use.

During a press conference yesterday, Secretary Abraham unveiled the Department's new energy saver Web site, www.energysavers.gov. From tips on insulating a home, to heating and cooling, to buying new windows, the Web site serves as a consumer resource to start cutting home energy prices.

In addition, a number of energy associations such as the Alliance to Save Energy, the American Public Power Association, the American Gas Association and the Edison Electric Institute have teamed up with the Department to further educate their members and consumers in methods to help save electricity and in turn positively affect our Nation's natural gas supply situation.

I encourage my constituents, as well as Members, to review this material on this Web site as it provides a number of useful tips for consumers to begin to reduce their energy use and in turn lower their annual costs as we work to address the supply needs for this country.

WHY DID THE U.S. GO TO WAR AGAINST IRAQ?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, why did the U.S. go to war against Iraq? The day after 9/11, according to this book, Secretary Rumsfeld raised the possibility that the administration could take advantage of the opportunity offered by the terrorist attacks to go after Saddam immediately. This, even though there was no evidence connecting Iraq to 9/11.

Why did the U.S. go to war against Iraq? On September 18, 2002, Mr. Rumsfeld told Congress, ''Hussein has at this moment stockpiles of chemical and biological weapons and is pursuing nuclear weapons.'' There was no evidence of that either.

Why did the U.S. go to war against Iraq? Yesterday Mr. Rumsfeld told Congress it was not because we had discovered dramatic new evidence of Iraq's pursuit of weapons of mass destruction. ''We acted because we saw the evidence in a dramatic new light through the prism of our experience on 9/11.''

Why did the U.S. go to war against Iraq? 9/11 was an excuse, no imminent threat, no weapons of mass destruction.

Now, the administration keeps changing its story, but they cannot change the facts. They led this Nation into war against a Nation that had not attacked us, that had no intention or capability of attacking us. Congress must hold public hearings because the truth and our democracy is at stake.

CONGRATULATING MERCY HOSPITAL AND RECOGNIZING TERESA A. ZUBIZARRETA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mercy Hospital, located in my congressional district, for its recent fund-raiser to help the destitute.

I would also like to recognize Teresa A. Zubizarreta, Zubi, the 2003 Mercy Foundation Gala honoree. Zubi is a beautiful example of someone who has overcome tremendous adversity to achieve the American dream.

After fleeing the horrors of the Castro regime in 1960, Zubi has risen to own one of the most successful advertising agencies in our country. As president of Zubi Advertising, one of the Nation's top five Hispanic advertising agencies, she serves as an inspiration to Hispanic women as to what one can accomplish through hard work and unwavering dedication.

I encourage my colleagues to join me in thanking Teresa Zubizarreta and the Mercy Foundation for their profound contributions to our south Florida community.

PROVIDING A CHILD TAX CREDIT

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

Mr. EMANUEL. Mr. Speaker, in yesterday's testimony, Secretary of Defense Donald Rumsfeld noted that our reconstruction costs, providing health care, education, transportation and housing needs in Iraq have cost the American taxpayers $2.3 billion, and projected over the year, $2.3 billion, that is equal to the amount we could provide in a child tax credit to the 12 million children, the 6½ million Americans who were left out of the tax cut the last time we provided a tax cut.

In the middle of July, the first set of tax cuts will begin to hit the mailboxes all over America, and yet 12 million children of American families, 6½ million families of working parents who get up every day to provide for their children and do right will not get a tax cut. Now we are going to be providing the same amount of dollars for Iraq's reconstruction, for their housing, their health care, their education, for their children's future.

I would hope that before we go home for our August break and our summer break to be with our families, our constituents and our neighbors that we would provide these working American families the same types of educational opportunities, the same type of economic security, that tax cut and an economic interest we are providing Iraq.

MEDICAL LIABILITY REFORM IS IN PERIL

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

Mr. BURGESS. Mr. Speaker, I rise today with a great concern about a development that occurred here on the Hill. Yesterday the failure to close debate on medical liability reform, the important legislation that this body passed in March to address this crisis, is in peril.

The House passed H.R. 5 to control the unsustainable medical liability premium increases and preserve patient access to important medical specialists. Based on a 1975 California law that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perionatologists and trauma surgeons. This bill will return a degree of sanity to a system that now resembles a Las Vegas gaming device.

Today the trauma network in the Dallas-Fort Worth area is on the brink of crisis as good doctors are driven from the practice by increasing liability premiums. Mr. Speaker, how could they do that?

WHY ARE PEOPLE CONTINUING TO DIE IN IRAQ?

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

Mr. MCDERMOTT. Mr. Speaker, on May 1, the Commander in Chief of the United States military forces declared the war was over. Since that day, 65 people have died. The last three who died were Craig Boling, Elkhart, Indiana; Barry Sanford, Aurora, Colorado; Robert McKinley, Kokomo, Indiana.

Huge questions have arisen about whether we were misled about this war. In Great Britain, the Prime Minister, Mr. Blair, faced 2 hours of questioning by the British Parliament. It is time for this Congress to have a bipartisan select committee to look into the reasons why we are in Iraq and why people continue to die there.

□ 1015

We must not let them be forgotten, as they were in my era of the Vietnam

War. There is a wall with 50,000-some people on it. Their names were never read on the floor. They ought to be read here and not forgotten.

LOCAL HEROES

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

Mr. PENCE. Mr. Speaker, as the American people saw on national television this morning, the Indiana flood of 2003 moves forward at a heartbreaking, record-setting pace. The St. Mary's River in Decatur, Indiana, crested last night at nearly 28 feet, an all-time historic high for that river, and the Wabash River as well. But because of the work of local heroes, like Decatur Mayor Fred Isch, Fire Chief David Brinneman, State Police Master Sergeant Rodger Popplewell, and National Guard Unit Leader Sergeant Mike Hiester, thousands of volunteers filled more than 176,000 sandbags in Decatur, Indiana, alone. And when the St. Mary's River crested, it did not break the levee.

There are so many to be commended, but I remember two in particular, Decatur Police Officer Mark Cook, who organized the sandbag filling at the Wal-Mart parking lot, and even 13-year-old Melanie Vergary, who went out and worked and stuffed bags.

The Chaplain said today, ''unless the Lord watches over the city.'' Surely, Mr. Speaker, we would ask the Lord to watch over this city and all the cities in Indiana affected by the flood of 2003 and all those who labored to protect it.

LABOR-HHS BILL SHORTCHANGES NO CHILD LEFT BEHIND

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

Mr. ETHERIDGE. Mr. Speaker, today this House will consider the appropriations bill for education. As the only former State schools chief serving in Congress, I think I know better than anyone the impact education cuts can have on teachers, our students, our schools, and the future of this great country. This bill contains Draconian education cuts.

Last Congress I voted to pass the bipartisan No Child Left Behind Act for education reform. I supported it because the President and the Republican leadership promised to provide the funding needed to make this reform work. But today's bill shatters that promise by cutting $8 billion below the authorization level of this new law. Educational cuts of this magnitude will devastate morale in our schools and doom our children to an educational system that is designed to fail. Our children and our schools deserve better.

I have introduced legislation to require full funding of the No Child Left Behind bill, and I urge my colleagues to join me in support of this bill and vote against this appropriation bill.

LAW NEEDED TO BAN CLONING

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

Mr. PITTS. Mr. Speaker, recently scientists in a lab in Chicago took a female human embryo and injected into it cells from a male human embryo, creating what they called a mixed-sex embryo.

In the name of progress, some scientists are pushing the limits of medical ethics with their experimentation and toying with human life, and this is what happened in Chicago last week. But the fact that it happened opens the door to even further laboratory experiments in manufacturing human life.

The effect of unethical research is that it turns human life into a commodity to be bought and sold to the highest bidder or to the most advanced laboratory. The more scientists do this type of experimentation, the more likely we will face a situation described in science fiction books where humans are mass produced in laboratories. We should not go down that road.

What can Congress do about it? We can start by sending the President a cloning ban to sign into law. The other thing we can do is to fund good ethical research.

INDEPENDENT COMMISSION/ SPECIAL PROSECUTOR NEEDED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, two more soldiers, as reported by national news, lost their lives in Iraq this morning. The war continues.

Yesterday, the Secretary of Defense said to the United States Senate, as reported in the Los Angeles Times, ''Defense Secretary Donald H. Rumsfeld said yesterday that the United States' decision to go to war with Iraq was based not on the evidence that Saddam Hussein's regime had chemical, biological, or nuclear weapons, but on old evidence reinterpreted in the wake of September 11, 2001.''

Mr. Speaker, what was told to the American people is that we were to be under imminent attack by Saddam Hussein. What was told to the American people was that we were in the line of fire. Mr. Speaker, I believe it is imperative that an independent commission and a special prosecutor be set up, and I believe that it is not frivolous for us to address the question of why the President of the United States addressed this body and suggested there was uranium being bought from Niger on the continent of Africa.

I believe the American people need the truth. More importantly, I believe the mothers and fathers who have lost their sons and daughters need the truth. We have a responsibility to the American people—tell the truth!

THE JOURNAL

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 64, answered ''present'' 1, not voting 28, as follows:

[Roll No. 346]

YEAS—341

Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cox
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick

Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—64

Abercrombie
Aderholt
Allen
Baird
Baldwin
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Cooper
Costello
Crane
DeFazio
English
Everett
Filner
Gutknecht
Hart
Hefley
Hinchey
Holt
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Majette
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pelosi
Peterson (MN)
Platts
Ramstad
Sabo
Shadegg
Slaughter
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—28

Burton (IN)
Clay
Cramer
Cubin
Dingell
Edwards
Fattah
Fletcher
Fossella
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hyde
McGovern
Millender-McDonald
Murtha
Owens
Oxley
Paul
Peterson (PA)
Rangel
Towns
Walsh
Waters
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–195) on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, 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.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL

Mr. OBEY. Mr. Speaker, I ask unanimous consent that during debate on H.R. 2660, I may be allowed to revise and extend my remarks, and insert extraneous and tabular material in one instance immediately after my initial statement on the bill.

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

There was no objection.

□ 1045

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 on H.R. 2660, and that I may include tabular and extraneous material.

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, 2004

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to House Resolution 312 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. 2660.

□ 1046

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. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, 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.

Pursuant to the order of the House of Wednesday, July 9, 2003, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 1½ hours.

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

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

Many of my colleagues have asked, will we finish today, and I can only answer that by saying we can if everybody works at it, and if we do not get too many delays, I think we can get this bill done in good time.

The Constitution says that the objective of government, or at least this is what we interpret it to be, is twofold. One is to provide for the common defense, and we did that earlier this week; we provided for the common defense. The other is to provide for the common welfare of the people, 280 million Americans. Today, in this bill, we have a unique and, I think, very good opportunity to achieve that goal. Maybe not perfectly, but certainly a lot of very positive things are in this bill.

First of all, I want to say that the members of the subcommittee were all very cooperative, all very helpful. We worked together in the subcommittee listening to a lot of testimony. We tried to put together a bill that represents the aspirations of the American people, not totally to the satisfaction of everyone, but certainly I think one that covers a lot of very positive parts. I also want to commend the staff members of both the minority and the majority. We have an excellent staff on this subcommittee; and if it were not for their effort, we would not be here today.

I am pleased to present before the House today the fiscal year 2004 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies. When we reflect on that, we think of the broad jurisdiction and responsibility which that entails: Labor, Health and Human Services, Education, and Related Agencies.

In crafting this bill, we have taken into consideration the priorities of the President, as well as the Members of the House. We have been attentive to the priorities of Congress as set by the budget resolution, and we are appreciative of the work of the leaders of the House and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), in

working with the administration to develop a workable allocation for this bill.

My colleagues on the subcommittee know that I call our subcommittee the Love Your Neighbor Committee, because it provides the funding that touches so many lives and provides a helping hand to those in need in this great country. There would not be one American that is not affected by what is in this bill in some part, whether it is education, whether it is health care, whether it is retraining for a new job—a whole host of good things that are done in this piece of legislation.

The bill provides $138 billion in discretionary budget authority. This represents a 2.7 percent increase over fiscal year 2003. We have tried to be restrained and yet meet the needs, and this is really probably a little lower than the rate of inflation. The level of growth in the bill is commensurate with the current level of growth in our economy. It is a responsible and balanced bill.

The bill focuses priority spending for education in three important areas, including Title I, education funding for disadvantaged children, special education, and reading programs. Education programs overall are increased by $2.3 billion over last year, for a total of $55.4 billion. I would point out that this means that in the last 8 years we have doubled what is being spent on education.

Funding for the Department of Health and Human Services totals $61.2 billion, including $4.55 billion for the Centers for Disease Control and Prevention, and we all know from the news that this is a very important function; and $27.664 billion for the National Institutes of Health to continue our research into treatments for disease.

The Department of Labor is funded at $11.7 billion, which includes funding of $1.46 billion for dislocated worker assistance, and $1.5 billion for the Job Corps program. This is a very important program. I just testified before the International Trade Commission that in Ohio alone, we lost over 90,000 manufacturing jobs in the last couple of years, and that retraining becomes extremely important in the lives of those individuals. They do not want welfare; they want jobs. They want an opportunity to get a new skill.

Mr. Chairman, Federal education spending has more than doubled since fiscal year 1996 when our investment totaled $23 billion, to today with the Federal education funding reaching $55.4 billion. This funding is significant and we must be cautious in our funding priorities to ensure that these dollars go to programs most directly improving our children's education.

As my colleagues know, the bill provides the funding necessary to implement the historic No Child Left Behind Act, which passed this Chamber with strong bipartisan support. The law sets high goals for ensuring that every child in our Nation will know how to read by the third grade and establishes important programs to aid in achieving this goal. To carry out this mission, we have provided a $666 million increase in Title I funding for disadvantaged children, bringing the total funding of title I to $12.35 billion. Together with the funding we are providing today and the accountability provisions included in the No Child Left Behind Act, these dollars can make a real difference in the quality of education for every child.

I want to mention at this point that our Committee on Education and the Workforce is working hard to look at the laws to ensure that they are effective, that they work better prospectively. It is not just a matter of putting money into these various activities, but it is a matter of putting the money in and using it carefully. I think the Committee on Education and the Workforce deserves a lot of credit for trying to meet that goal.

In addition to the Title I program, the No Child Left Behind Act creates new reading programs to assist school districts in meeting the challenge of ensuring that every child can read through scientifically based methods. These programs will assist parents, teachers, and school districts in meeting the reading challenges of our children. We provide over $1 billion for these programs.

I would say one of the things that causes me concern is the dropout rate in our big cities. They do not start in the 9th grade or the 10th grade to drop out. If we are to lower the dropout rate, one of the elements of that is getting every child able to read. I think many times high school dropouts result from the fact that they have not been well grounded in reading, and we recognize that in our funding.

Many of my colleagues speak to me about the financial demands of special education programs in their local school districts. We also hear from parents about the need to support adequate special education funding to ensure that their special needs children may receive a quality education. It is a wonderful thing about America; we are concerned for everyone, and this bill reflects that. With the inclusion of an additional $1 billion for special education in this bill, the program is now funded at nearly $10 billion. This figure represents a nearly 300 percent increase in the program since fiscal year 1996, three times as much. Clearly, we are all committed to addressing the needs of our children with special education needs.

I am a believer that no child will be left behind if we can ensure that there is a quality teacher in every classroom in our Nation. Funding for Title II—Preparing, Training, and Recruiting High-Quality Teachers and Principals under the No Child Left Behind Act is a critical component to achieving this goal.

We provide the following funding to encourage people to enter the field of teaching and strengthen the skills of those already there. I am sure if I ask the Members, all of my colleagues have had a teacher or maybe two or three teachers who made a difference in their lives, and we want to be sure that every child has a good teacher in every classroom.

We include $2.93 billion for the State teacher-training block grant, giving the States money to improve their teacher-training programs; $90 million for the teacher-quality enhancement grants; $150 million for math and science partnerships that will allow universities and local education agencies to partner to improve the quality of their math and science programs, and this really is a very critical need; $49.4 million for the Transition to Teaching program to assist in recruiting mid-career professionals into the field of teaching. There are people out there who say, there must be more than what I am doing and they want to be teachers. They want to contribute. And we want to help them through this program.

Mr. Chairman, there is $20 million for the Troops to Teachers program. For those that are not familiar with this program, we encourage those people in the armed services that are leaving, maybe they are 42 or 43 years old, and we encourage them to go into teaching to help fill the gaps because they have travel experience, they have experience in managing people, and this program has proven very successful. I think last year the Teacher of the Year was an individual who had been brought into the field as a retired member of military. So we encourage that program. Many of my colleagues may already know that First Lady Laura Bush supports the Troops to Teachers program with visits to our military bases to inform our troops about the opportunity to enter the field of teaching upon the completion of their military service. With maturity, training in mathematics or science, and assistance in appropriate courses for teaching, members of our Armed Forces make outstanding classroom teachers in fields where we are currently experiencing a teacher shortage. I might say the First Lady is very important in this effort because having her, when she visits military bases, encourage individuals to consider this is a very effective part of the program.

We have restored funding to programs important to our Members, including the popular 21st Century Learning Communities program for after-school programs for students, which is funded at $1 billion, and for rural education at $170 million. In other words, it gives the young people an opportunity to acquire skills or to participate in athletics between the hours of 3 to 6 or 7 p.m., an opportunity to use this time usefully.

□ 1100

And we have strong support for this from YMCAs, Boys and Girls Clubs, a

whole host of these groups that do provide this kind of service. We have restored funding to programs important to our members.

Impact Aid provides funding to school districts that have Federal facilities, including military facilities, within their jurisdictions and is increased by $50 million to $1.238 billion. We have asked our troops, many of them leave their families to go overseas to protect American interests, and I think it is essential that we give their children a good educational opportunity. That is what we do with Impact Aid and that is why the increase.

Charter schools provide an alternative to students in failing schools, and we have included $220 million in charter school grants and $25.8 for the charter school facilities. We have funded the Head Start program at the President's budget request of $6.8 billion, an increase of $148 million. This funding level will provide for current service levels for the program and ensure that quality improvements and training elements are fully implemented. And, again, the Committee on Education and the Workforce is taking a look at this existing law with the thought of making it even better.

Students who have no experience in higher education benefit from the TRIO and GEAR UP programs. These programs assist students in preparing for higher education through proper course selection, mentoring and even tutoring services. TRIO receives $835 million and GEAR UP $300 million in the bill. What this means is that students who might not have thought about going on to higher education are encouraged to do so by others in the community. Many times volunteers will work in these programs. And, again, that is part of the American way of giving more opportunity.

College costs continue to rise and the cost of higher education today continues to be an impediment to many students. Pell grants play an important role in helping low-income students achieve their education goals. A larger-than-expected demand on these grants has occurred as a result of our slow economy, causing many people who have previously been in the workforce to seek additional training in an academic environment, which is a very positive thing. Therefore, the bill continues to support a maximum Pell grant level of $4,050 while also including funding of $12.250 billion, an increase of $885 million over last year to address the shortfall in addressing the funding needs of students.

There is a book that talks about how the GI Bill has made a very great impact on this Nation in terms of elevating educational opportunities and, again, this Pell grant has a similar impact. It gives students an opportunity who might not otherwise get a crack at a higher education. That does not have to be academic at the sense of a university college. It can be a trade school. It can be a vocational school, a technical institute; but it does provide opportunity for those at all levels of our economic scale.

Health and Human Services. There is little more precious to each of us than our good health. I believe that when you have good health you have it all or at least a good part of it. Unfortunately, this is not the case for many Americans, and it is through the agencies and programs of the Department of Health and Human Services that we assist others to improve their health. I wish all of you could sit in our hearings and see a row of wheelchairs with people with health problems and hear testimony from those who have various kinds of afflictions. It will make you realize how fortunate you are if you have good health and how important it is that we, as a society, try to ensure that everybody has this kind of opportunity, and that is one of the things this bill does.

In fiscal year 2003 we completed a 5-year effort to double the funding of the National Institutes of Health, and this was a bipartisan effort; but it made a vast improvement or vast opportunity for NIH to reach out much further than they would have otherwise. Through the work of NIH scientists and extramural scientists at universities across the country, we have been able to conduct important research to understand who we are through the Human Genome Project, how to treat once-deadly diseases and that many life-threatening diseases are actually preventable. After accounting for one-time costs for fiscal year 2003, NIH will have an additional $1.7 billion for medical research in this bill.

One of the pieces of testimony that really stuck with me was NIH said that every 5 years life expectancy goes up a year. That is an enormous achievement when you think about it. A baby born today will have a possible 10 or 15 years of additional life. We hope it is a quality life as a result of the commitment of this body, again, a bipartisan commitment, to do the research, to deal with these troubling diseases that afflict us. I was also struck when they testified that there are 6,000 identifiable diseases and medical conditions that can possibly afflict people. So you can see why it is so important that we continue the funding. And, basically, because we have funded building programs in the past, we have not had to do that so much in this bill so that the real increase is about 6 percent for the research programs.

All the information and advances we have gained from NIH, however, will be useless without a way to communicate this information to health care providers and individuals, those most directly responsible for their own health. Thus, the work of the Centers for Disease Control and Prevention is critical to improving our health. We call upon the CDC to put into practice medical advances through numerous conflicting disease and prevention programs. Further, we call upon the CDC and its infectious disease experts to act as our first line of defense, such as Severe Acute Respiratory Syndrome, SARS, which you have heard a lot about lately, and West Nile Virus. In our changed world we must call upon CDC to protect us from diseases that may come to us intentionally through terrorist attacks—bioterrorism, radiological and chemical attacks. Given these tremendous demands on the CDC, we have provided the agency with $4.55 billion. That is a $57 million increase over last year.

Total CDC funding for the Global AIDS Initiative is $243 million. Within this level, we have been responsive to the President's request to fund his new Global HIV/AIDS Mother and Child Prevention Initiative at $100 million. Through this important initiative, thousands of children across the African continent may be protected against HIV transmission from their mothers. What a great contribution. The President, of course, is talking about this when he is in Africa this week.

The Public Health and Social Services Emergency Fund was established following the tragic events of September 11. It is through this fund that we are attempting to build a seamless system for delivering important safety information and protecting the American people. The fund includes support to the CDC and through it our State and local health departments, as well as other agencies and the Department of Health and Human Services to ensure protections from all levels of government. This year we are providing over $1.7 billion to the funds.

I might say it is a goal of this subcommittee to make the health care preventative delivery system seamless so the Centers for Disease Control, the State health agencies, the local health agencies, city and county, are in complete communication and that the whole process is seamless. This is very important in terms of delivering services, and it is important in terms of our national security.

Funding for community health centers is $1.627 billion. This represents a $122.3 million increase over last year as we provide funding for the third year of the President's proposed expansion of health services to people who are underinsured or have no health benefits at all. And this is a very important element, again, of our communities, a lot of volunteers that participate. It frees up the emergency rooms because people have another alternative place to go, and it provides some measure of help to those who can ill afford to pay for a doctor or pay for health care services. I think these community health programs are extremely important, and we have reflected that in our funding, and I am sure many of you have those in your own community.

Children's hospitals across the Nation are the training grounds for our pediatricians. The bill provides $305 million to train these important care

givers. The Medicare system takes care of the education for the conventional MD programs but not for pediatricians or OB–GYNs. And what we do is give the children's hospitals financial assistance so they in turn too can provide the same level of education for the pediatricians. We all know that the early years are the most important in a child's life. And I think this is an extremely important program.

The Ryan White AIDS program is funded at $2 billion, an increase of $24 million. An important portion of this funding assists those who are infected with the virus in receiving vital medications through the Drug Assistance Program.

This year the administration sought congressional support for a new substance abuse treatment program called Access to Recovery through the use of a State voucher system. We have responded to this request with $100 million and are eager to work with the administration as they develop a program to serve people in great need. It will be another tool, but we want the administration to do a pilot project to work out how this can be done effectively. They have requested somewhat more money than that, but I think $100 million will go a long way. And if it proves as effective as we think it could, the next year will be another time to look at it.

Additional support of the President's initiatives in this bill include faith-based programs—the Compassion Capital Fund at $50 million, and the Mentoring of Children of Prisoners at $25 million, I suspect a somewhat forgotten group. But those children will be citizens tomorrow too, and we should give them a chance even though maybe one of their parents is incarcerated for some reason.

Programs to support abstinence programs for young people will receive $10 million increase for a total of $65 million in this bill.

LIHEAP is an important safety net providing financial assistance to low-income people who struggle with paying their heating and cooling bills. These funds are distributed to the States through the formula grant program, and we have retained the funding level for these grants at the fiscal year 2003 level of $1.7 billion. To assist people in the event of a particularly severe heating or cooling season, we provide $100 million in emergency funds. These funds may be released to the State at the discretion of the President.

The Department of Labor has jurisdiction over many important worker training and protection programs; therefore, we have restored funding to core job training and employment assistance programs to the fiscal year 2003 level. As a number of communities continue to experience plant closings and other layoffs, we understand the need to support dislocated worker-training programs that can assist workers to return to the workforce. Funding for this program is $1.155 billion, the same as in fiscal year 2003, an increase of $78 million over the budget request. This is one where we feel that this is so important that we want to add more than requested in the President's budget. And if you have ever been to one of these job opportunity locations in your district, you realize how vitally important this is to those that are laid off. It gives them hope, hope that there may be a new job available, hope that they can take care of their families, hope that they can get health care. It is vitally important.

The Job Corps program provides a second chance to young people to develop a skill for the 21st century workforce. As we all know, the mix is different than it used to be in the job market. Many people who enroll in Job Corps centers never completed their high school education, and many have other problems that make holding a job very difficult. A second chance. I like that, second chance. Everybody should have a second chance at training, giving hope to these workers; and it makes them productive members of our society. Funding for Job Corps is $1.5 billion. This is an increase of $28 million.

Worker protection programs, including OSHA and MSHA, are funded at the President's budget request.

□ 1115

Related agencies. While agencies such as the Social Security Administration and the Centers for Medicare and Medicaid Services, CMS, receive their funding from the mandatory spending side, this bill provides the administrative costs for these agencies. Effective administration of these agencies ensures efficient service to recipients. We have included a 6.1 percent increase in the funding for the Social Security Administration to improve service delivery of benefits and accelerate the time it takes to process disability claims.

I am sure all of us have experienced a call from someone who has a disability claim and says, why can I not get this taken care of? We recognize that, and we are saying let us put more people so they can be handled promptly. Otherwise they are left without any means of providing a living. So we have given a 6.1 percent increase.

The Institute of Museum and Library Services provides funding to our Nation's public libraries and provides grants for library and museum projects. Funding totals $238 million, including funds for the second year of a program to recruit and educate librarians. Libraries are the windows to the world and a place of inspiration for many individuals.

Mr. Chairman, the programs and funding levels I have described represent the good neighbor in all of us as a Nation, as a people. We have tried to use our allocation to fund our highest priorities and to reduce the growth in this bill. It is fair, it is balanced, and I think it will serve the people well, and I urge my colleagues to support it.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	186,778	188,000	188,000	+1,222	---
Advance from prior year	(707,372)	(712,000)	(712,000)	(+4,628)	---
FY 2005	712,000	712,000	712,000	---	---
Adult Training	898,778	900,000	900,000	+1,222	---
Youth Training	994,459	1,000,965	1,000,965	+6,506	---
Dislocated Worker Assistance, current year	307,152	258,432	307,152	---	+48,720
Advance from prior year	(842,488)	(848,000)	(848,000)	(+5,512)	---
FY 2005	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,155,152	1,106,432	1,155,152	---	+48,720
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	93,993	64,608	93,993	---	+29,385
Advance from prior year	(210,622)	(212,000)	(212,000)	(+1,378)	---
FY 2005	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	305,993	276,608	305,993	---	+29,385
Total, Dislocated Worker Assistance	1,461,145	1,383,040	1,461,145	---	+78,105
Native Americans	55,636	55,000	55,000	-636	---
Migrant and Seasonal Farmworkers	76,823	---	59,600	-17,223	+59,600
Job Corps:					
Operations	794,800	844,667	820,000	+25,200	-24,667
Advance from prior year	(587,158)	(591,000)	(591,000)	(+3,842)	---
FY 2005	591,000	591,000	591,000	---	---
Construction and Renovation	27,371	30,216	30,216	+2,845	---
Advance from prior year	(99,350)	(100,000)	(100,000)	(+650)	---
FY 2005	100,000	100,000	100,000	---	---
Subtotal, Job Corps, program level	1,513,171	1,565,883	1,541,216	+28,045	-24,667
National Activities:					
Pilots, Demonstrations and Research	75,855	35,000	46,615	-29,240	+11,615
Responsible Reintegration of Youthful Offender	54,642	---	---	-54,642	---
Evaluation	9,039	9,098	9,098	+59	---
Youth Opportunity Grants	44,211	---	---	-44,211	---
Other	15,409	3,000	3,400	-12,009	+400
Subtotal, National activities	199,156	47,098	59,113	-140,043	+12,015
Subtotal, Federal activities	2,150,779	1,944,589	2,020,922	-129,857	+76,333
Current Year	1,247,779	1,041,589	1,117,922	-129,857	+76,333
FY 2005	903,000	903,000	903,000	---	---
Total, Workforce Investment Act	5,199,168	4,951,986	5,077,039	-122,129	+125,053
Current Year	2,736,168	2,488,986	2,614,039	-122,129	+125,053
FY 2005	2,463,000	2,463,000	2,463,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Women in Apprenticeship	993	---	---	-993	---
Subtotal, National activities, TES	200,149	47,098	59,113	-141,036	+12,015
Total, Training and Employment Services	5,200,161	4,951,986	5,077,039	-123,122	+125,053
Current Year	(2,737,161)	(2,488,986)	(2,614,039)	(-123,122)	(+125,053)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	442,306	440,200	440,200	-2,106	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	972,200	1,338,200	1,338,200	+366,000	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,624,318	2,640,002	2,624,318	---	-15,684
National Activities	9,935	10,500	9,935	---	-565
Subtotal, Unemployment Compensation	2,634,253	2,650,502	2,634,253	---	-16,249
Employment Service:					
Allotments to States:					
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	768,257	773,283	768,257	---	-5,026
Subtotal	791,557	796,735	791,557	---	-5,178
ES National Activities	50,351	78,546	70,351	+20,000	-8,195
Subtotal, Employment Service	841,908	875,281	861,908	+20,000	-13,373
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	818,608	851,829	838,608	+20,000	-13,221
One-Stop Career Centers/Labor Market Information	99,350	101,000	99,350	---	-1,650
Work Incentives Grants	19,870	20,000	19,870	---	-130
Total, State Unemployment & Employment Srvcs	3,595,381	3,646,783	3,615,381	+20,000	-31,402
Federal Funds	142,520	144,452	142,520	---	-1,932
Trust Funds	3,452,861	3,502,331	3,472,861	+20,000	-29,470
ADVANCES TO THE UI AND OTHER TRUST FUNDS 1/	463,000	467,000	467,000	+4,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	42,326	38,700	38,700	-3,626	---
Trust Funds	4,243	6,854	6,854	+2,611	---
Youth Employment and Training	38,691	39,333	39,333	+642	---
Employment Security	6,009	5,997	5,997	-12	---
Trust Funds	47,596	58,634	47,596	---	-11,038
Apprenticeship Services	20,699	20,932	20,932	+233	---
Executive Direction	8,230	8,469	8,469	+239	---
Trust Funds	2,037	2,053	2,053	+16	---
Welfare to Work	4,680	2,393	2,393	-2,287	---
Total, Program Administration	174,511	183,365	172,327	-2,184	-11,038
Federal Funds	120,635	115,824	115,824	-4,811	---
Trust Funds	53,876	67,541	56,503	+2,627	-11,038
Total, Employment and Training Administration	10,847,559	11,027,534	11,110,147	+262,588	+82,613
Federal Funds	7,340,822	7,457,662	7,580,783	+239,961	+123,121
Current Year	(4,877,822)	(4,994,662)	(5,117,783)	(+239,961)	(+123,121)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust Funds	3,506,737	3,569,872	3,529,364	+22,627	-40,508

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
Enforcement and Compliance	91,526	106,679	106,679	+15,153	---
Policy, Regulation and Public Service	20,441	17,385	17,385	-3,056	---
Program Oversight	4,316	4,541	4,541	+225	---
Total, EBSA	116,283	128,605	128,605	+12,322	---
PENSION BENEFIT GUARANTY CORPORATION					
Program Adm. subject to limitation (TF)	12,965	16,553	16,553	+3,588	---
Termination services not subject to limitation (NA)	(179,844)	(212,219)	(212,219)	(+32,375)	---
Total, PBGC	12,965	16,553	16,553	+3,588	---
Total, PBGC (Program level)	(192,809)	(228,772)	(228,772)	(+35,963)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	155,867	161,294	161,294	+5,427	---
Office of Labor-Management Standards	34,279	40,631	40,631	+6,352	---
Federal Contractor EEO Standards Enforcement	78,033	80,043	80,043	+2,010	---
Federal Programs for Workers' Compensation	96,692	98,161	98,161	+1,469	---
Trust Funds	2,016	2,056	2,056	+40	---
Program Direction and Support	14,226	15,568	15,568	+1,342	---
Total, ESA salaries and expenses	381,113	397,753	397,753	+16,640	---
Federal Funds	379,097	395,697	395,697	+16,600	---
Trust Funds	2,016	2,056	2,056	+40	---
SPECIAL BENEFITS					
Federal employees compensation benefits	160,000	160,000	160,000	---	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	163,000	163,000	163,000	---	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS 2/					
Benefit payments	402,089	390,848	390,848	-11,241	---
Administration	6,088	6,152	6,152	+64	---
Subtotal, Black Lung, FY 2004 program level	408,177	397,000	397,000	-11,177	---
Less funds advanced in prior year	-108,000	-97,000	-97,000	+11,000	---
Total, Black Lung, current request, FY04	300,177	300,000	300,000	-177	---
New advances, 1st quarter FY 2005	97,000	88,000	88,000	-9,000	---
Total, Special Benefits for Disabled Coal Miners	397,177	388,000	388,000	-9,177	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND					
Program Benefits	(758,000)	(385,000)	(385,000)	(-373,000)	---
Administrative Expenses	104,867	55,074	55,074	-49,793	---
Total, Energy Emp Occupational Illness Comp Fund	104,867	55,074	55,074	-49,793	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	979,371	986,901	986,901	+7,530	---
Employment Standards Adm. S&E	31,987	32,004	32,004	+17	---
Departmental Management S&E	22,952	23,401	23,401	+449	---
Departmental Management, Inspector General	334	338	338	+4	---
Subtotal, Black Lung Disablty	1,034,644	1,042,644	1,042,644	+8,000	---
Treasury Adm. Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,035,000	1,043,000	1,043,000	+8,000	---
Total, Employment Standards Administration	2,081,157	2,046,827	2,046,827	-34,330	---
Federal Funds	2,079,141	2,044,771	2,044,771	-34,370	---
Current year	1,982,141	1,956,771	1,956,771	-25,370	---
FY 2005	97,000	88,000	88,000	-9,000	---
Trust Funds	2,016	2,056	2,056	+40	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	16,014	14,497	14,497	-1,517	---
Federal Enforcement	162,973	165,281	165,281	+2,308	---
State Programs	90,547	91,747	91,747	+1,200	---
Technical Support	20,102	21,721	21,721	+1,619	---
Compliance Assistance:					
Federal Assistance	61,321	67,447	67,447	+6,126	---
State Consultation Grants	53,204	52,521	52,521	-683	---
Training Grants	11,102	4,000	4,000	-7,102	---
Subtotal, Compliance Assistance	125,627	123,968	123,968	-1,659	---
Safety and Health Statistics	25,894	22,369	22,369	-3,525	---
Executive Direction and Administration	9,153	10,425	10,425	+1,272	---
Total, OSHA	450,310	450,008	450,008	-302	---
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	118,877	113,424	113,424	-5,453	---
Metal/Non-Metal Enforcement	63,495	66,377	66,377	+2,882	---
Standards Development	2,363	2,301	2,301	-62	---
Assessments	4,854	4,125	4,125	-729	---
Educational Policy and Development	27,733	30,536	30,536	+2,803	---
Technical Support	28,489	24,691	24,691	-3,798	---
Program evaluation and information resources (PEIR)	---	14,168	14,168	+14,168	---
Program Administration	17,210	11,145	11,145	-6,065	---
Mine Mapping	9,935	---	---	-9,935	---
Total, Mine Safety and Health Administration	272,956	266,767	266,767	-6,189	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	147,330	149,605	149,605	+2,275	---
Labor Market Information (Trust Funds)	71,561	75,110	75,110	+3,549	---
Prices and Cost of Living	159,671	167,602	167,602	+7,931	---
Compensation and Working Conditions	75,925	80,169	80,169	+4,244	---
Productivity and Technology	9,860	10,404	10,404	+544	---
Executive Direction and Staff Services	27,886	29,372	29,372	+1,486	---
Total, Bureau of Labor Statistics	492,233	512,262	512,262	+20,029	---
Federal Funds	420,672	437,152	437,152	+16,480	---
Trust Funds	71,561	75,110	75,110	+3,549	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	47,178	47,333	47,333	+155	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	26,296	28,260	28,260	+1,964	---
Departmental IT Crosscut	54,642	48,565	48,565	-6,077	---
Departmental Management Crosscut	---	23,500	---	---	-23,500
Legal Services	77,175	81,975	81,975	+4,800	---
Trust Funds	308	317	317	+9	---
International Labor Affairs	147,053	12,270	12,270	-134,783	---
Administration and Management	33,673	32,391	34,391	+718	+2,000
Adjudication	25,306	26,315	26,315	+1,009	---
Women's Bureau	9,608	8,626	9,608	---	+982
Civil Rights Activities	5,930	6,158	6,158	+228	---
Chief Financial Officer	7,850	5,159	5,159	-2,691	---
Total, Salaries and expenses	387,841	273,536	253,018	-134,823	-20,518
Federal Funds	387,533	273,219	252,701	-134,832	-20,518
Trust Funds	308	317	317	+9	---
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Grants	---	162,415	162,415	+162,415	---
Disabled Veterans Outreach Program	82,078	---	---	-82,078	---
Local Veterans Employment Program	77,744	---	---	-77,744	---
Subtotal, State Administration	159,822	162,415	162,415	+2,593	---
Federal Administration	27,489	29,028	29,028	+1,539	---
National Veterans Training Institute	---	2,000	2,000	+2,000	---
Homeless Veterans Program	18,131	19,000	19,000	+869	---
Veterans Workforce Investment Programs	7,377	7,550	7,550	+173	---
Total, Veterans Employment and Training	212,819	219,993	219,993	+7,174	---
Federal Funds	25,508	26,550	26,550	+1,042	---
Trust Funds	187,311	193,443	193,443	+6,132	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	56,291	60,896	60,896	+4,605	---
Trust Funds	5,561	5,899	5,899	+338	---
Total, Office of the Inspector General	61,852	66,795	66,795	+4,943	---
Federal funds	56,291	60,896	60,896	+4,605	---
Trust funds	5,561	5,899	5,899	+338	---
Total, Departmental Management	662,512	560,324	539,806	-122,706	-20,518
Federal Funds	469,332	360,665	340,147	-129,185	-20,518
Trust Funds	193,180	199,659	199,659	+6,479	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
WORKING CAPITAL FUND					
Working capital fund	---	20,000	18,000	+18,000	-2,000
Total, Title I, Department of Labor	14,983,153	15,076,213	15,136,308	+153,155	+60,095
Federal Funds	11,196,694	11,212,963	11,313,566	+116,872	+100,603
Current Year	(8,636,694)	(8,661,963)	(8,762,566)	(+125,872)	(+100,603)
FY 2005	(2,560,000)	(2,551,000)	(2,551,000)	(-9,000)	---
Trust Funds	3,786,459	3,863,250	3,822,742	+36,283	-40,508

Title I Footnotes:
1/ Two year availability.
2/ Transferred from SSA to DOL (P.L. 107-275).

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,504,806	1,627,164	1,627,164	+122,358	---
National Health Service Corps:					
Field placements	45,948	45,305	45,948	---	+643
Recruitment	125,140	167,542	125,140	---	-42,402
Subtotal, National Health Service Corps	171,088	212,847	171,088	---	-41,759
Health Professions					
Training for Diversity:					
Centers of excellence	34,088	---	29,718	-4,370	+29,718
Health careers opportunity program	36,152	---	31,548	-4,604	+31,548
Faculty loan repayment	1,321	---	1,171	-150	+1,171
Scholarships for disadvantaged students	47,795	9,900	42,374	-5,421	+32,474
Subtotal, Training for Diversity	119,356	9,900	104,811	-14,545	+94,911
Training in Primary Care Medicine and Dentistry	92,432	---	79,249	-13,183	+79,249
Interdisciplinary Community-Based Linkages:					
Area health education centers	33,141	---	29,382	-3,759	+29,382
Health education and training centers	4,371	---	3,875	-496	+3,875
Allied health and other disciplines	11,922	---	11,922	---	+11,922
Geriatric programs	27,818	---	32,000	+4,182	+32,000
Quentin N. Burdick pgm for rural training	6,954	---	6,165	-789	+6,165
Subtotal, Interdisciplinary Comm. Linkages	84,206	---	83,344	-862	+83,344
Health Professions Workforce Info & Analysis	819	1,000	726	-93	-274
Public Health Workforce Development:					
Public health, preventive med. & dental pgms	10,405	---	9,225	-1,180	+9,225
Health administration programs	1,222	---	1,085	-137	+1,085
Subtotal, Public Health Workforce Development	11,627	---	10,310	-1,317	+10,310
Nursing Programs:					
Advanced Education Nursing	50,174	26,548	50,174	---	+23,626
Nurse education, practice, and retention	26,824	24,202	26,824	---	+2,622
Nursing workforce diversity	9,935	20,564	9,935	---	-10,629
Loan repayment and scholarship program	19,870	26,900	19,870	---	-7,030
Comprehensive geriatric education	2,980	---	2,980	---	+2,980
Nursing faculty loan program	2,980	---	2,980	---	+2,980
Subtotal, Nursing programs	112,763	98,214	112,763	---	+14,549
Subtotal, Health Professions	421,203	109,114	391,203	-30,000	+282,089
Other HRSA Programs:					
Hansen's Disease Services	18,024	17,570	17,570	-454	---
Maternal & Child Health Block Grant	729,965	750,831	732,965	+3,000	-17,866
Abstinence Education	54,642	73,044	65,000	+10,358	-8,044
Healthy Start	98,346	98,729	98,346	---	-383
Universal Newborn Hearing	9,935	---	9,935	---	+9,935
Organ Transplantation	24,828	24,924	24,828	---	-96
Bone Marrow Program	21,891	22,013	22,891	+1,000	+878
Rural outreach grants	58,410	37,752	57,410	-1,000	+19,658
Rural Health Research	10,630	5,984	8,000	-2,630	+2,016
Telehealth	27,686	5,594	27,686	---	+22,092
Rural Hospital Flexibility Grants	39,740	29,921	39,740	---	+9,819
Rural Access to Emergency Devices	12,419	2,009	12,419	---	+10,410
State Offices of Rural Health	8,445	3,990	4,000	-4,445	+10
Denali Commission	27,321	---	---	-27,321	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency medical services for children	19,373	---	19,373	---	+19,373
Poison control	22,354	---	22,354	---	+22,354
Traumatic Brain Injury	9,438	7,479	9,438	---	+1,959
Black lung clinics	5,961	6,000	5,961	---	-39
Trauma Care	3,476	---	3,476	---	+3,476
Payment to Hawaii, treatment of Hansen's	2,032	2,045	2,032	---	-13
Other HRSA programs - Current Year	1,204,916	1,087,885	1,183,424	-21,492	+95,539
Ryan White AIDS Programs:					
Emergency Assistance	618,693	618,881	618,693	---	-188
Comprehensive Care Programs	1,053,393	1,077,027	1,091,344	+37,951	+14,317
AIDS Drug Assistance Program (ADAP) (NA)	(714,326)	(739,000)	(753,317)	(+38,991)	(+14,317)
Early Intervention Program	198,374	193,981	193,981	-4,393	---
Pediatric HIV/AIDS	73,551	70,917	70,917	-2,634	---
AIDS Dental Services	13,405	13,484	13,405	---	-79
Education and Training Centers	35,549	35,259	35,259	-290	---
Subtotal, Ryan White AIDS programs	1,992,965	2,009,549	2,023,599	+30,634	+14,050
Evaluation Tap Funding (NA)	(25,000)	---	---	(-25,000)	---
Subtotal, Ryan White AIDs program level	2,017,965	2,009,549	2,023,599	+5,634	+14,050
Family Planning	273,350	264,808	273,350	---	+8,542
Children's Hospitals Graduate Medical Educ	290,102	199,258	305,000	+14,898	+105,742
Health Care and Other Facilities	294,700	---	---	-294,700	---
Buildings and Facilities	248	250	248	---	-2
Radiation Exposure Compensation Act	1,987	4,006	1,987	---	-2,019
National Practitioner Data Bank	19,500	17,000	19,500	---	+2,500
User Fees	-19,500	-17,000	-19,500	---	-2,500
Health Care Integrity and Protection Data Bank	5,600	4,000	5,600	---	+1,600
User Fees	-5,600	-4,000	-5,600	---	-1,600
Community Access Program	104,317	---	104,317	---	+104,317
State Planning Grants for Health Care Access	14,902	---	14,902	---	+14,902
Program Management	155,974	151,115	155,974	---	+4,859
Total, Health resources and services	6,430,558	5,665,996	6,252,256	-178,302	+586,260
Total, Health resources & services program level	(6,455,558)	(5,665,996)	(6,252,256)	(-203,302)	(+586,260)
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(7,000)	(4,000)	(7,000)	---	(+3,000)
Program management	3,889	3,389	3,389	-500	---
Total, HEAL	3,889	3,389	3,389	-500	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	85,918	66,000	66,000	-19,918	---
HRSA administration	2,972	2,991	3,472	+500	+481
Total, Vaccine Injury Compensation Trust Fund	88,890	68,991	69,472	-19,418	+481
Total, Health Resources and Services Admin	6,523,337	5,738,376	6,325,117	-198,220	+586,741
Total, HRSA program level	(6,555,337)	(5,742,376)	(6,332,117)	(-223,220)	(+589,741)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CENTERS FOR DISEASE CONTROL					
Birth Defects/Developmental Disabilities/Disability and Health	98,040	87,462	106,339	+8,299	+18,877
Chronic Disease Prevention and Health Promotion	789,972	834,047	862,011	+72,039	+27,964
Environmental Health	182,829	150,227	184,829	+2,000	+34,602
Epidemic Services and Response	77,494	76,158	82,494	+5,000	+6,336
Health Statistics	---	72,639	112,673	+112,673	+40,034
Evaluation Tap Funding	(125,899)	(51,982)	(13,226)	(-112,673)	(-38,756)
Subtotal, Program level	125,899	124,621	125,899	---	+1,278
HIV/AIDS, STD and TB Prevention	1,186,388	1,281,176	1,247,388	+61,000	-33,788
Immunization	636,586	620,506	650,586	+14,000	+30,080
Evaluation Tap Funding	(14,000)	---	---	(-14,000)	---
Subtotal, Program level	650,586	620,506	650,586	---	+30,080
Infectious Disease Control	359,225	331,640	382,226	+23,001	+50,586
Injury Prevention and Control	148,414	144,796	152,414	+4,000	+7,618
Occupational Safety and Health 1/	231,485	246,329	273,385	+41,900	+27,056
Evaluation Tap Funding	(41,900)	---	---	(-41,900)	---
Subtotal, Program level	273,385	246,329	273,385	---	+27,056
Preventive Health and Health Services Block Grant	134,089	134,966	134,089	---	-877
Public Health Improvement	124,434	113,677	144,530	+20,096	+30,853
Evaluation Tap Funding	(28,600)	---	---	(-28,600)	---
Subtotal, Program level	153,034	113,677	144,530	-8,504	+30,853
Buildings and Facilities	266,258	114,000	206,000	-60,258	+92,000
Office of the Director	49,426	59,707	49,707	+281	-10,000
Total, Centers for Disease Control	4,284,640	4,267,330	4,588,671	+304,031	+321,341
Evaluation Tap Funding (NA)	(210,399)	(51,982)	(13,226)	(-197,173)	(-38,756)
Total, Centers for Disease Control program level	(4,495,039)	(4,319,312)	(4,601,897)	(+106,858)	(+282,585)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,592,348	4,770,519	4,770,519	+178,171	---
National Heart, Lung, and Blood Institute	2,793,733	2,867,995	2,867,995	+74,262	---
National Institute of Dental & Craniofacial Research	371,636	382,396	382,396	+10,760	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,622,730	1,670,007	1,670,007	+47,277	---
Juvenile diabetes	(100,000)	(150,000)	(150,000)	(+50,000)	---
Subtotal, NIDDK	1,722,730	1,820,007	1,820,007	+97,277	---
National Institute of Neurological Disorders & Stroke	1,456,476	1,468,926	1,468,926	+12,450	---
National Institute of Allergy and Infectious Diseases	3,606,139	4,235,255	4,235,255	+629,116	---
Global HIV/AIDS Fund Transfer 2/	100,000	100,000	100,000	---	---
Subtotal, NIAID	3,706,139	4,335,255	4,335,255	+629,116	---
National Institute of General Medical Sciences	1,847,000	1,923,133	1,923,133	+76,133	---
National Institute of Child Health & Human Development	1,205,927	1,245,371	1,245,371	+39,444	---
National Eye Institute	633,148	648,299	648,299	+15,151	---
National Institute of Environmental Health Sciences	614,239	630,774	630,774	+16,535	---
National Institute on Aging	993,598	994,411	994,411	+813	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	486,143	502,778	502,778	+16,635	---
National Institute on Deafness and Other Communication Disorders	370,382	380,377	380,377	+9,995	---
National Institute of Nursing Research	130,584	134,579	134,579	+3,995	---
National Institute on Alcohol Abuse and Alcoholism	416,051	430,121	430,121	+14,070	---
National Institute on Drug Abuse	961,721	995,614	995,614	+33,893	---
National Institute of Mental Health	1,341,014	1,382,114	1,382,114	+41,100	---
National Human Genome Research Institute	464,995	478,072	478,072	+13,077	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Institute of Biomedical Imaging and Bioengineering	278,279	282,109	282,109	+3,830	---
National Center for Research Resources	1,138,821	1,053,926	1,053,926	-84,895	---
National Center for Complementary and Alternative Medicine	113,407	116,202	116,202	+2,795	---
National Center on Minority Health and Health Disparities	185,714	192,724	192,724	+7,010	---
John E. Fogarty International Center	63,465	64,266	64,266	+801	---
National Library of Medicine	300,135	316,040	316,040	+15,905	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Subtotal, NLM	308,335	316,040	316,040	+7,705	---
Office of the Director	266,232	317,983	317,983	+51,751	---
Buildings and Facilities	628,687	80,000	80,000	-548,687	---
Total, N.I.H. appropriations	26,982,604	27,663,991	27,663,991	+681,387	---
Global HIV/AIDS Fund Transfer	-100,000	-100,000	-100,000	---	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Total, N.I.H., Program Level	(26,890,804)	(27,563,991)	(27,563,991)	(+673,187)	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES					
Mental Health:					
Programs of Regional and National Significance	244,443	211,757	237,000	-7,443	+25,243
Mental Health Performance Partnership	437,140	433,000	435,000	-2,140	+2,000
Children's Mental Health	98,052	106,694	108,000	+9,948	+1,306
Grants to States for the Homeless (PATH)	43,073	50,055	50,055	+6,982	---
Protection and Advocacy	33,779	32,500	33,870	+91	+1,370
Subtotal, Mental Health	856,487	834,006	863,925	+7,438	+29,919
Substance Abuse Treatment:					
Programs of Regional and National Significance	317,278	556,816	417,278	+100,000	-139,538
Substance Abuse Performance Partnership	1,691,732	1,785,000	1,774,538	+82,806	-10,462
Evaluation Tap Funding	(62,200)	---	---	(-62,200)	---
Subtotal, Substance Abuse Treatment	2,009,010	2,341,816	2,191,816	+182,806	-150,000
Subtotal, Program level	2,071,210	2,341,816	2,191,816	+120,606	-150,000
Substance Abuse Prevention:					
Programs of Regional and National Significance	197,111	148,186	198,000	+889	+49,814
Program Management and Buildings and Facilities	73,983	69,307	75,259	+1,276	+5,952
Evaluation Tap funding (NA)	(12,000)	(16,000)	(16,000)	(+4,000)	---
Subtotal, Program level	85,983	85,307	91,259	+5,276	+5,952
St. Elizabeths	949	---	---	-949	---
Total, Substance Abuse and Mental Health	3,137,540	3,393,315	3,329,000	+191,460	-64,315
Evaluation Tap funding	(74,200)	(16,000)	(16,000)	(-58,200)	---
Total, SAMHS program level	(3,211,740)	(3,409,315)	(3,345,000)	(+133,260)	(-64,315)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Coverage Data Improvement (CPS)	---	(10,000)	---	---	(-10,000)
Portion for reducing medical errors (non-add)	(55,000)	(84,000)	(75,000)	(+20,000)	(-9,000)
Subtotal including Evaluation Tap funds	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Insurance and Expenditure Surveys:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(53,300)	(55,300)	(55,300)	(+2,000)	---
Program Support	---	---	---	---	---
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	---	---
Total, AHRQ	(303,695)	(279,000)	(303,695)	---	(+24,695)
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(303,695)	(279,000)	(303,695)	---	(+24,695)
Total, Public Health Service appropriation	40,928,121	41,063,012	41,906,779	+978,658	+843,767
Total, Public Health Service program level	(41,456,615)	(41,313,994)	(42,146,700)	(+690,085)	(+832,706)
CENTER FOR MEDICARE AND MEDICAID SERVICES					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	148,726,168	166,706,067	172,706,067	+23,979,899	+6,000,000
State and local administration	9,142,049	9,067,320	9,067,320	-74,729	---
Vaccines for Children	823,938	980,196	980,196	+156,258	---
Subtotal, Medicaid program level	158,692,155	176,753,583	182,753,583	+24,061,428	+6,000,000
Less funds advanced in prior year	-46,601,937	-51,861,386	-51,861,386	-5,259,449	---
Total, Grants to States for medicaid	112,090,218	124,892,197	130,892,197	+18,801,979	+6,000,000
New advance, 1st quarter	51,861,386	58,416,275	58,416,275	+6,554,889	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	80,905,000	94,518,000	94,518,000	+13,613,000	---
Hospital insurance for the uninsured	225,000	197,000	197,000	-28,000	---
Federal uninsured payment	168,000	168,000	168,000	---	---
Program management	164,700	201,100	201,100	+36,400	---
Total, Payments to Trust Funds, current law	81,462,700	95,084,100	95,084,100	+13,621,400	---
PROGRAM MANAGEMENT					
Research, Demonstration, Evaluation:					
Regular Program	73,712	63,400	27,918	-45,794	-35,482
Medicare Operations	1,866,680	1,776,889	1,776,889	+110,209	---
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,386,680)	(2,496,889)	(2,496,889)	(+110,209)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Revitalization plan	---	65,000	65,000	+65,000	---
State Survey and Certification	252,743	247,647	247,647	-5,096	---
Federal Administration	571,756	580,571	580,571	+8,815	---
Total, Program management, Limitation on new BA.	2,564,891	2,733,507	2,698,025	+133,134	-35,482
Total, Program management, program level	(3,284,891)	(3,453,507)	(3,418,025)	(+133,134)	(-35,482)
Total, Center for Medicare and Medicaid Services	247,979,195	281,126,079	287,090,597	+39,111,402	+5,964,518
Federal funds	245,414,304	278,392,572	284,392,572	+38,978,268	+6,000,000
Current year	(193,552,918)	(219,976,297)	(225,976,297)	(+32,423,379)	(+6,000,000)
New advance, 1st quarter, FY 2005	(51,861,386)	(58,416,275)	(58,416,275)	(+6,554,889)	---
Trust Funds	2,564,891	2,733,507	2,698,025	+133,134	-35,482
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	3,541,800	4,035,270	4,035,270	+493,470	---
Federal incentive payments	461,000	454,000	454,000	-7,000	---
Hold Harmless payments	---	---	---	---	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,012,800	4,501,270	4,501,270	+488,470	---
Total, Payments, FY 2004 program level	4,036,800	4,525,270	4,525,270	+488,470	---
Less funds advanced in previous years	-1,100,000	-1,100,000	-1,100,000	---	---
Total, Payments, current request	2,936,800	3,425,270	3,425,270	+488,470	---
Plus New advance, 1st quarter, FY 2005	1,100,000	1,200,000	1,200,000	+100,000	---
Total, Payments	4,036,800	4,625,270	4,625,270	+588,470	---
LOW INCOME HOME ENERGY ASSISTANCE					
Formula grants	1,688,950	1,700,000	1,700,000	+11,050	---
Emergency allocation:					
Non-emergency funding	---	300,000	100,000	+100,000	-200,000
Contingent emergency funding	---	---	---	---	---
Total, Low income home energy assistance	1,688,950	2,000,000	1,800,000	+111,050	-200,000
	---	---	---	---	---
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	219,853	200,193	200,193	-19,660	---
Victims of Trafficking	9,935	10,000	10,000	+65	---
Social Services	150,139	153,121	153,121	+2,982	---
Preventive Health	4,804	4,835	4,835	+31	---
Targeted Assistance	49,155	49,477	49,477	+322	---
Unaccompanied minors	34,227	34,000	34,227	---	+227
Victims of Torture	9,935	10,000	10,000	+65	---
Total, Refugee and entrant assistance	478,048	461,626	461,853	-16,195	+227
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,086,344	2,099,729	2,099,729	+13,385	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
DISABLED VOTER SERVICES	15,000	---	15,000	---	+15,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,267,533	5,415,570	5,415,570	+148,037	---
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	---	---
FY 2005	1,400,000	1,400,000	1,400,000	---	---
Subtotal, Head Start, program level	6,667,533	6,815,570	6,815,570	+148,037	---
Consolidated Runaway, Homeless Youth Prog	89,978	88,043	88,043	-1,935	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,399	14,999	14,999	-400	---
Child Abuse State Grants	21,870	22,013	22,013	+143	---
Child Abuse Discretionary Activities	33,845	26,301	26,301	-7,544	---
Abandoned Infants Assistance	12,126	12,086	12,086	-40	---
Child Welfare Services	290,088	291,986	291,986	+1,898	---
Child Welfare Training	7,449	7,470	7,470	+21	---
Adoption Opportunities	27,227	27,343	27,343	+116	---
Adoption Incentive (no cap adjustment)	42,720	43,000	43,000	+280	---
Adoption Awareness	12,822	12,906	12,906	+84	---
Compassion Capital Fund	34,772	100,000	50,000	+15,228	-50,000
Social Services and Income Maintenance Research	28,749	5,982	5,982	-22,767	---
Evaluation tap funding	(6,000)	---	---	(-6,000)	---
Subtotal, Program level	34,749	5,982	5,982	-28,767	---
Community Based Resource Centers	33,200	33,403	33,403	+203	---
Developmental Disabilities Program:					
State Councils	71,135	69,800	71,500	+365	+1,700
Protection and Advocacy	36,263	35,000	36,500	+237	+1,500
Developmental Disabilities Special Projects	12,403	11,642	12,500	+97	+858
Developmental Disabilities University Affiliated	24,962	24,000	25,000	+38	+1,000
Subtotal, Developmental disabilities	144,763	140,442	145,500	+737	+5,058
Native American Programs	45,457	45,119	45,119	-338	---
Community Services:					
Grants to States for Community Services	645,762	494,964	494,964	-150,798	---
Community Initiative Program:					
Economic Development	32,546	32,436	32,436	-110	---
Individual Development Account Initiative	24,828	24,912	24,912	+84	---
Rural Community Facilities	7,203	---	7,250	+47	+7,250
Subtotal, Community Initiative Program	64,577	57,348	64,598	+21	+7,250
National Youth Sports	16,889	---	18,000	+1,111	+18,000
Community Food and Nutrition	7,281	---	---	-7,281	---
Subtotal, Community Services	734,509	552,312	577,562	-156,947	+25,250
Domestic Violence Hotline	2,562	3,000	3,000	+438	---
Battered Women's Shelters	126,403	124,423	126,403	---	+1,980
Early Learning Fund	33,779	---	---	-33,779	---
Faith-Based Center	1,490	1,400	1,400	-90	---
Mentoring Children of Prisoners	9,935	50,000	25,000	+15,065	-25,000
Independent Living Training Vouchers	41,727	60,000	45,000	+3,273	-15,000
Promoting Responsible Fatherhood	---	20,000	---	---	-20,000
Program Direction	171,873	179,584	179,584	+7,711	---
Total, Children and Families Services Programs	8,630,276	8,687,382	8,599,670	-30,606	-87,712
Current Year	(7,230,276)	(7,287,382)	(7,199,670)	(-30,606)	(-87,712)
FY 2005	(1,400,000)	(1,400,000)	(1,400,000)	---	---
Evaluation Tap funding	(6,000)	---	---	(-6,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	99,350	199,978	100,000	+650	-99,978
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,884,500	4,974,200	4,974,200	+89,700	---
Adoption Assistance	1,584,500	1,699,700	1,699,700	+115,200	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,609,000	6,813,900	6,813,900	+204,900	---
Less Advances from Prior Year	-1,754,000	-1,745,600	-1,745,600	+8,400	---
Total, payments, current request	4,855,000	5,068,300	5,068,300	+213,300	---
New Advance, 1st quarter	1,745,600	1,767,700	1,767,700	+22,100	---
Total, Administration for Children & Families	25,640,368	26,914,985	26,542,522	+902,154	-372,463
Current year	(21,394,768)	(22,547,285)	(22,174,822)	(+780,054)	(-372,463)
FY 2005	(4,245,600)	(4,367,700)	(4,367,700)	(+122,100)	---
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	355,673	357,000	357,000	+1,327	---
Preventive Health	21,919	21,562	21,919	---	+357
Title VII	18,559	17,681	18,559	---	+878
Family Caregivers	149,025	141,500	162,000	+12,975	+20,500
Native American Caregivers Support	6,209	---	6,500	+291	+6,500
Subtotal, Caregivers	155,234	141,500	168,500	+13,266	+27,000
Nutrition:					
Congregate Meals	384,592	390,000	390,000	+5,408	---
Home Delivered Meals	180,985	178,500	180,985	---	+2,485
Nutrition Services Incentive Program	148,697	149,670	149,670	+973	---
Subtotal, Nutrition	714,274	718,170	720,655	+6,381	+2,485
Subtotal, Grants to States	1,265,659	1,255,913	1,286,633	+20,974	+30,720
Grants to Native Americans	27,495	25,729	25,729	-1,766	---
Aging Research, Training and Special Projects	40,258	27,837	30,837	-9,421	+3,000
Aging Network Support Activities	2,364	2,379	2,379	+15	---
Alzheimer's Initiative	13,412	11,500	11,500	-1,912	---
White House Conference on Aging	---	2,842	2,842	+2,842	---
Program Administration	17,869	17,501	17,501	-368	---
Total, Administration on Aging	1,367,057	1,343,701	1,377,421	+10,364	+33,720
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	159,811	172,541	167,300	+7,489	-5,241
Trust Funds	5,813	5,851	5,813	---	-38
Subtotal	(165,624)	(178,392)	(173,113)	(+7,489)	(-5,279)
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---
Adolescent Family Life (Title XX)	30,922	31,241	30,922	---	-319
Minority health	56,224	47,010	48,329	-7,895	+1,319
Office of women's health	28,658	28,908	28,658	---	-250
Minority HIV/AIDS	49,675	50,000	49,675	---	-325
IT Security and Innovation Fund	19,870	18,400	18,400	-1,470	---
Total, General Departmental Management	350,973	353,951	349,097	-1,876	-4,854
Federal Funds	345,160	348,100	343,284	-1,876	-4,816
Trust Funds	5,813	5,851	5,813	---	-38

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
	---	---	---	---	---
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	36,808	39,497	39,497	+2,689	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(196,808)	(199,497)	(199,497)	(+2,689)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	30,131	30,936	30,936	+805	---
Trust Funds	3,292	3,314	3,314	+22	---
Total, Office for Civil Rights	33,423	34,250	34,250	+827	---
POLICY RESEARCH:					
Federal Funds	2,483	2,499	2,483	---	-16
Evaluation Tap funding (NA)	(18,000)	(21,000)	(18,000)	---	(-3,000)
Total, Policy Research	20,483	23,499	20,483	---	-3,016
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	218,984	234,000	234,000	+15,016	---
Survivors benefits	14,102	15,001	15,001	+899	---
Dependents' medical care	76,931	54,391	80,867	+3,936	+26,476
Military services credits	---	---	---	---	---
Total, Medical benefits for Com Officers (indef)	310,017	303,392	329,868	+19,851	+26,476
Comm. Corps Medicare Elig. Healthcare Accrual	---	12,973	---	---	-12,973
Total, Medical benefits for comm. officers	310,017	316,365	329,868	+19,851	+13,503
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA Homeland security activities	584,451	618,173	545,870	-38,581	-72,303
CDC Homeland security activities	1,235,424	1,116,156	1,116,156	-119,268	---
AHRQ Homeland security activities	4,967	---	---	-4,967	---
Office of the Secretary Homeland sercurity activities	62,405	61,820	64,820	+2,415	+3,000
Other PHSSEF Homeland security activities	---	100,000	50,000	+50,000	-50,000
Total, PHSSEF	1,887,247	1,896,149	1,776,846	-110,401	-119,303
Total, Office of the Secretary	2,620,951	2,642,711	2,532,041	-88,910	-110,670
Federal Funds	2,611,846	2,633,546	2,522,914	-88,932	-110,632
Trust Funds	9,105	9,165	9,127	+22	-38
Total, Title II, Dept of Health & Human Services	318,535,692	353,090,488	359,449,360	+40,913,668	+6,358,872
Federal Funds	315,961,696	350,347,816	356,742,208	+40,780,512	+6,394,392
Current year	(259,854,710)	(287,563,841)	(293,958,233)	(+34,103,523)	(+6,394,392)
FY 2005	(56,106,986)	(62,783,975)	(62,783,975)	(+6,676,989)	---
Trust Funds	2,573,996	2,742,672	2,707,152	+133,156	-35,520

Title II Footnotes:

1/ Includes Mine Safety and Health.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF EDUCATION					
EDUCATION FOR THE DISADVANTAGED					
Grants to Local Educational Agencies (LEAs)					
Basic Grants					
Advance from prior year 1/	(4,011,272)	(4,255,272)	(2,011,272)	(-2,000,000)	(-2,244,000)
Forward funded	2,848,533	5,158,199	5,158,199	+2,309,666	---
Current funded	3,477	3,500	3,500	+23	---
Subtotal, Basic grants current year approp.	2,852,010	5,161,699	5,161,699	+2,309,689	---
Subtotal, Basic grants total funds available	(6,863,282)	(9,416,971)	(7,172,971)	(+309,689)	(-2,244,000)
Basic Grants FY 2005 Advance	4,255,272	2,011,272	2,011,272	-2,244,000	---
Subtotal, Basic grants, program level	7,107,282	7,172,971	7,172,971	+65,689	---
Concentration Grants					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2005 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	(1,018,499)	(1,670,239)	(1,670,239)	(+651,740)	---
FY 2005 Advance	1,670,239	3,018,499	3,018,499	+1,348,260	---
Subtotal, Targeted Grants program level	1,670,239	3,018,499	3,018,499	+1,348,260	---
Education Finance Incentive Grants					
Advance from prior year	(793,499)	(1,541,759)	(1,541,759)	(+748,260)	---
FY 2005 Advance	1,541,759	793,499	793,499	-748,260	---
Subtotal, Education Finance Incentive Grants	1,541,759	793,499	793,499	-748,260	---
Subtotal, Grants to LEAs, program level	11,684,311	12,350,000	12,350,000	+665,689	---
Even Start	248,375	175,000	250,000	+1,625	+75,000
Reading First:					
State Grants (forward funded)	798,500	855,000	855,000	+56,500	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2005 Advance	195,000	195,000	195,000	---	---
Subtotal, Reading First State Grants	993,500	1,050,000	1,050,000	+56,500	---
Early Reading First	74,512	100,000	100,000	+25,488	---
Literacy through School Libraries	12,419	27,500	27,500	+15,081	---
State Agency Programs:					
Migrant	395,413	396,000	396,000	+587	---
Neglected and Delinquent/High Risk Youth	48,682	48,000	49,000	+318	+1,000
Subtotal, State Agency programs	444,095	444,000	445,000	+905	+1,000
Evaluation	8,842	9,500	9,500	+658	---
Comprehensive School Reform Demonstration	233,473	---	235,000	+1,527	+235,000
Migrant Education:					
High School Equivalency Program	23,347	13,000	24,000	+653	+11,000
College Assistance Migrant Program	15,399	15,000	16,000	+601	+1,000
Subtotal, Migrant Education	38,746	28,000	40,000	+1,254	+12,000
Total, Education for the disadvantaged	13,738,273	14,184,000	14,507,000	+768,727	+323,000
Current Year	(4,710,972)	(6,800,699)	(7,123,699)	(+2,412,727)	(+323,000)
FY 2005	(9,027,301)	(7,383,301)	(7,383,301)	(-1,644,000)	---
Subtotal, forward funded	(4,572,976)	(6,632,199)	(6,943,199)	(+2,370,223)	(+311,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IMPACT AID					
Basic Support Payments	1,025,292	867,500	1,073,000	+47,708	+205,500
Payments for Children with Disabilities	50,668	40,000	50,668	---	+10,668
Facilities Maintenance (Sec. 8008)	7,948	8,000	7,948	---	-52
Construction (Sec. 8007)	44,708	45,000	44,708	---	-292
Payments for Federal Property (Sec. 8002)	59,610	55,000	62,000	+2,390	+7,000
Total, Impact aid	1,188,226	1,015,500	1,238,324	+50,098	+222,824
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,780,825	1,700,000	1,780,825	---	+80,825
Advance from prior year	(1,150,000)	(1,150,000)	(1,150,000)	---	---
FY 2005	1,150,000	1,150,000	1,150,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,825	2,850,000	2,930,825	---	+80,825
Early Childhood Educator Professional Development	14,902	15,000	14,902	---	-98
Mathematics and Science Partnerships	100,344	12,500	150,000	+49,656	+137,500
State Grants for Innovative Education (Education Block Grant)	97,498	100,000	50,000	-47,498	-50,000
Advance from prior year	(285,000)	(285,000)	(285,000)	---	---
FY 2005	285,000	285,000	285,000	---	---
Subtotal, Education Block Grant, program level	382,498	385,000	335,000	-47,498	-50,000
Educational Technology:					
Educational Technology State Grants	695,947	700,500	695,947	---	-4,553
Preparing Tomorrow's Teachers to Use Technology	62,094	---	---	-62,094	---
Subtotal, Educational Technology	758,041	700,500	695,947	-62,094	-4,553
21st Century Community Learning Centers	993,500	600,000	1,000,000	+6,500	+400,000
State Assessments/Enhanced Assessment Instruments	384,484	390,000	390,000	+5,516	---
Javits gifted talented education	11,177	---	11,177	---	+11,177
Foreign language assistance	16,144	---	---	-16,144	---
Education for Homeless Children & Youth	54,642	50,000	60,000	+5,358	+10,000
Training and Advisory Services (Civil Rights)	7,286	7,334	7,286	---	-48
Education for Native Hawaiians	30,798	18,300	18,300	-12,498	---
Alaska Native Education Equity	30,798	14,200	14,200	-16,598	---
Rural Education	167,653	---	170,000	+2,347	+170,000
Total, School improvement programs	5,883,092	5,042,834	5,797,637	-85,455	+754,803
Current Year	(4,448,092)	(3,607,834)	(4,362,637)	(-85,455)	(+754,803)
FY 2005	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(4,274,893)	(3,553,000)	(4,296,772)	(+21,879)	(+743,772)
INDIAN EDUCATION					
Grants to Local Educational Agencies	96,502	97,133	96,502	---	-631
Federal Programs:					
Special Programs for Indian Children	19,870	20,000	19,870	---	-130
National Activities	5,201	5,235	5,201	---	-34
Subtotal, Federal Programs	25,071	25,235	25,071	---	-164
Total, Indian Education	121,573	122,368	121,573	---	-795
INOVATION AND IMPROVEMENT					
Troops-to-Teachers	28,812	25,000	20,000	-8,812	-5,000
Transition to Teaching	41,727	49,400	49,400	+7,673	---
National Writing Project	16,890	---	16,890	---	+16,890
Teaching of Traditional American History	99,350	100,000	50,000	-49,350	-50,000
School Leadership	12,419	---	12,419	---	+12,419
Advanced Credentialing	9,935	---	16,500	+6,565	+16,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Charter Schools Grants	198,700	220,000	220,000	+21,300	---
Credit Enhancement for Charter School Facilities	24,838	100,000	75,000	+50,162	-25,000
Voluntary Public School Choice	25,831	25,000	25,831	---	+831
Magnet Schools Assistance	109,285	110,000	109,285	---	-715
Choice Incentive Fund	---	75,000	---	---	-75,000
Fund for the Improvement of Education (FIE):					
Current funded	398,133	59,000	91,284	-306,849	+32,284
Forward funded	74,513	---	74,513	---	+74,513
Subtotal, FIE	472,646	59,000	165,797	-306,849	+106,797
Ready to Learn	22,850	22,000	22,000	-850	---
Dropout Prevention Programs	10,929	---	---	-10,929	---
Ellender Fellowships/Close Up	1,490	---	1,490	---	+1,490
Advanced Placement Fees	23,347	22,000	23,347	---	+1,347
Total, Innovation and Improvement	1,099,049	807,400	807,959	-291,090	+559
Current Year	(1,099,049)	(807,400)	(807,959)	(-291,090)	(+559)
FY 2005	---	---	---	---	---
Subtotal, forward funded	(74,513)	---	(74,513)	---	(+74,513)
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, current funded	138,949	92,017	138,949	---	+46,932
Advance from prior year	(330,000)	(330,000)	(330,000)	---	---
FY 2005	330,000	330,000	330,000	---	---
State Grants, program level	468,949	422,017	468,949	---	+46,932
National Programs	155,180	172,233	155,180	---	-17,053
Community Service for Expelled or Susp'd Students	49,675	---	---	-49,675	---
Alcohol Abuse Reduction	24,838	---	---	-24,838	---
Mentoring Programs	17,386	100,000	50,000	+32,614	-50,000
Character education	24,838	25,000	24,838	---	-162
Elementary and Secondary School Counseling	32,289	---	32,289	---	+32,289
Carol E. White Physical Education for Progress	59,610	---	60,000	+390	+60,000
Civic Education	28,812	27,000	28,812	---	+1,812
State Grants for Incarcerated Youth Offenders	23,348	---	---	-23,348	---
Physical Education Initiative	---	10,000	---	---	-10,000
Total, Safe Schools and Citizenship Education	884,925	756,250	820,068	-64,857	+63,818
Current Year	(554,925)	(426,250)	(490,068)	(-64,857)	(+63,818)
FY 2005	(330,000)	(330,000)	(330,000)	---	---
Subtotal, forward funded	(188,624)	(92,017)	(138,949)	(-49,675)	(+46,932)
ENGLISH LANGUAGE ACQUISITION					
Current funded	194,726	665,000	124,972	-69,754	-540,028
Forward funded	490,789	---	560,543	+69,754	+560,543
Total, English Language Acquisition	685,515	665,000	685,515	---	+20,515
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B advance funded	5,672,000	5,072,000	5,072,000	-600,000	---
Part B advance from prior year	(5,072,000)	(5,672,000)	(5,672,000)	(+600,000)	---
Grants to States Part B current year	3,202,398	4,456,533	4,802,398	+1,600,000	+345,865
Subtotal, Grants to States, program level	8,874,398	9,528,533	9,874,398	+1,000,000	+345,865
Preschool Grants	387,465	390,000	390,000	+2,535	---
Grants for Infants and Families	434,159	447,000	447,000	+12,841	---
Subtotal, State grants, program level	9,696,022	10,365,533	10,711,398	+1,015,376	+345,865

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IDEA National Activities (current funded):					
State Program Improvement Grants	51,364	44,000	51,364	---	+7,364
Research and Innovation	77,210	78,380	77,210	---	-1,170
Technical Assistance and Dissemination	53,133	53,481	53,481	+348	---
Personnel Preparation	91,899	90,000	91,899	---	+1,899
Parent Information Centers	26,328	26,000	26,328	---	+328
Technology and Media Services	37,961	32,710	38,110	+149	+5,400
Subtotal, IDEA special programs	337,895	324,571	338,392	+497	+13,821
Total, Special education	10,033,917	10,690,104	11,049,790	+1,015,873	+359,686
Current Year	(4,361,917)	(5,618,104)	(5,977,790)	(+1,615,873)	(+359,686)
FY 2005	(5,672,000)	(5,072,000)	(5,072,000)	(-600,000)	---
Subtotal, Forward funded	(4,075,386)	(5,337,533)	(5,690,762)	(+1,615,376)	(+353,229)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,533,492	2,584,162	2,584,162	+50,670	---
Vocational Rehabilitation Incentive Grants	---	84,490	---	---	-84,490
Client Assistance State grants	12,068	11,897	12,068	---	+171
Training	39,371	42,629	39,371	---	-3,258
Demonstration and training programs	20,895	24,492	20,895	---	-3,597
Migrant and seasonal farmworkers	2,335	---	2,335	---	+2,335
Recreational programs	2,579	---	2,579	---	+2,579
Protection and advocacy of individual rights (PAIR)	16,890	17,880	16,890	---	-990
Projects with industry	21,928	---	21,928	---	+21,928
Supported employment State grants	37,904	---	37,904	---	+37,904
Independent living:					
State grants	22,151	22,296	22,296	+145	---
Centers	69,545	69,500	75,000	+5,455	+5,500
Services for older blind individuals	27,818	25,000	32,000	+4,182	+7,000
Subtotal, Independent living	119,514	116,796	129,296	+9,782	+12,500
Program Improvement	894	850	894	---	+44
Evaluation	994	1,000	994	---	-6
Helen Keller National Center for Deaf/Blind	8,660	8,717	8,717	+57	---
National Inst. Disability and Rehab. Research (NIDRR)	109,285	110,000	110,000	+715	---
Assistive Technology	26,824	---	11,132	-15,692	+11,132
Subtotal, discretionary programs	420,141	418,751	415,003	-5,138	-3,748
Total, Rehabilitation services	2,953,633	3,002,913	2,999,165	+45,532	-3,748
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	15,399	14,000	16,500	+1,101	+2,500
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID:					
Operations	52,109	49,414	53,500	+1,391	+4,086
Endowment	---	1,000	---	---	-1,000
Construction	1,590	367	367	-1,223	---
Total, NTID	53,699	50,781	53,867	+168	+3,086
GALLAUDET UNIVERSITY					
Operations	97,798	93,446	100,600	+2,802	+7,154
Endowment	---	1,000	---	---	-1,000
Total, Gallaudet University	97,798	94,446	100,600	+2,802	+6,154
Total, Special Institutions for Persons with Disabilities	166,896	159,227	170,967	+4,071	+11,740

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded 2/	401,200	209,000	409,000	+7,800	+200,000
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2005	791,000	791,000	791,000	---	---
Subtotal, Basic State Grants, program level	1,192,200	1,000,000	1,200,000	+7,800	+200,000
Tech-Prep Education State Grants	107,298	---	107,298	---	+107,298
National Programs	11,922	---	11,922	---	+11,922
Tech-Prep Education Demonstration	4,968	---	---	-4,968	---
Occupational and Employment Information Program	9,438	---	---	-9,438	---
Subtotal, Vocational Education	1,325,826	1,000,000	1,319,220	-6,606	+319,220
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded 2/	571,262	584,300	584,300	+13,038	---
National Programs					
National Leadership Activities	9,438	---	9,438	---	+9,438
National Institute for Literacy	6,517	6,732	6,517	---	-215
Subtotal, National programs	15,955	6,732	15,955	---	+9,223
Subtotal, Adult education	587,217	591,032	600,255	+13,038	+9,223
Smaller Learning Communities, current funded	8,047	---	8,750	+703	+8,750
Smaller Learning Communities, forward funded	152,900	---	166,250	+13,350	+166,250
Community Technology Centers	32,264	---	---	-32,264	---
Total, Vocational and adult education	2,106,254	1,591,032	2,094,475	-11,779	+503,443
Current Year	(1,315,254)	(800,032)	(1,303,475)	(-11,779)	(+503,443)
FY 2005	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded	(1,274,943)	(800,032)	(1,294,725)	(+19,782)	(+494,693)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,000)	(4,050)	---	(+50)
Pell Grants -- Regular Program	11,364,646	12,715,000	12,250,000	+885,354	-465,000
Federal Supplemental Educational Opportunity Grants	760,028	725,000	760,028	---	+35,028
Federal Work Study	1,004,428	1,011,000	1,004,428	---	-6,572

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Perkins Loans:					
Capital Contributions	99,350	---	99,350	---	+99,350
Loan Cancellations	67,061	67,500	67,061	---	-439
Subtotal, Federal Perkins loans	166,411	67,500	166,411	---	+98,911
LEAP program	66,565	---	66,565	---	+66,565
Loan Forgiveness for Child Care	994	---	---	-994	---
Total, Student Financial Assistance	13,363,072	14,518,500	14,247,432	+884,360	-271,068
STUDENT AID ADMINISTRATION					
Administrative Costs	104,703	947,010	120,010	+15,307	-827,000
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	+795,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	81,467	76,275	81,467	---	+5,192
Hispanic Serving Institutions	92,396	93,551	93,551	+1,155	---
Strengthening Historically Black Colleges (HBCUs)	214,015	224,086	224,086	+10,071	---
Strengthening historically black graduate insts	53,415	53,302	53,415	---	+113
Strengthening Alaska & Hawaiian-Serving Insts	8,180	4,048	8,180	---	+4,132
Strengthening Tribal Colleges	22,850	19,037	22,850	---	+3,813
Subtotal, Aid for Institutional development	472,323	470,299	483,549	+11,226	+13,250
International Education and Foreign Language:					
Domestic Programs	93,240	88,000	93,240	---	+5,240
Overseas Programs	12,916	13,000	12,916	---	-84
Institute for International Public Policy	1,639	1,500	1,639	---	+139
Subtotal, International Education & Foreign Lang	107,795	102,500	107,795	---	+5,295
Fund for the Improvement of Postsec. Ed. (FIPSE)	171,064	39,138	39,138	-131,926	---
Minority Science and Engineering Improvement	8,942	8,500	8,942	---	+442
Interest Subsidy Grants	2,980	2,000	2,000	-980	---
Tribally Controlled Postsec Voc/Tech Institutions	6,955	6,500	6,955	---	+455
Federal TRIO Programs	827,089	802,500	835,000	+7,911	+32,500
GEAR UP	293,082	285,000	300,000	+6,918	+15,000
Byrd Honors Scholarships	40,734	41,001	40,734	---	-267
Javits Fellowships	9,935	10,000	9,935	---	-65
Graduate Assistance in Areas of National Need	30,798	31,000	30,798	---	-202
Teacher Quality Enhancement Grants	89,415	90,000	90,000	+585	---
Child Care Access Means Parents in School	16,194	15,000	15,000	-1,194	---
Demonstration in Disabilities / Higher Education	6,954	---	6,954	---	+6,954
Underground Railroad Program	2,235	---	2,235	---	+2,235
GPRA data/HEA program evaluation	994	1,000	994	---	-6
Thurgood Marshall Scholarships	4,968	---	4,968	---	+4,968
B.J. Stupak Olympic Scholarships	994	---	994	---	+994
Total, Higher education	2,093,451	1,904,438	1,985,991	-107,460	+81,553
NATIONAL SECURITY EDUCATION TRUST FUND 3/	---	8,000	---	---	-8,000
HOWARD UNIVERSITY					
Academic Program	204,690	207,100	208,170	+3,480	+1,070
Endowment Program	3,573	---	3,600	+27	+3,600
Howard University Hospital	30,177	30,374	31,000	+823	+626
Total, Howard University	238,440	237,474	242,770	+4,330	+5,296

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
College Housing and Academic Facilities Loans Program: (CHAFL)	757	774	774	+17	---
HBCU Capital Financing Program -- Federal Adm	207	210	210	+3	---
INSTITUTE OF EDUCATION SCIENCES					
Research and Statistics:					
Research	139,090	185,000	185,000	+45,910	---
Regional Educational Laboratories	67,061	---	67,061	---	+67,061
Statistics	89,415	95,000	95,000	+5,585	---
Assessment:					
National Assessment	90,235	90,825	90,825	+590	---
National Assessment Governing Board	4,532	5,090	5,090	+558	---
Subtotal, Assessment	94,767	95,915	95,915	+1,148	---
Subtotal, Research and statistics	390,333	375,915	442,976	+52,643	+67,061
Multi-year Grants and Contracts	57,623	---	57,623	---	+57,623
Total, IES	447,956	375,915	500,599	+52,643	+124,684
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	409,863	434,494	434,494	+24,631	---
OFFICE FOR CIVIL RIGHTS	85,715	91,275	91,275	+5,560	---
OFFICE OF THE INSPECTOR GENERAL	40,734	48,137	48,137	+7,403	---
Total, Departmental management	536,312	573,906	573,906	+37,594	---
Total: Elementary and Secondary Education Act programs	23,793,864	22,593,352	24,153,076	+359,212	+1,559,724
Total, Title III, Department of Education	55,646,251	55,807,855	57,964,165	+2,317,914	+2,156,310
Current Year	(38,390,950)	(40,796,554)	(42,952,864)	(+4,561,914)	(+2,156,310)
FY 2005	(17,255,301)	(15,011,301)	(15,011,301)	(-2,244,000)	---

Title III Footnotes:
1/ Reclassification of advance appropriations.
2/ FY 04 request assumes passage of proposed legislation renaming these State grant programs.
3/ In fiscal years 2002 and 2003, $8 million provided for this program in Defense Appropriations Acts.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	61,839	63,296	63,296	+1,457	---
Capital Program	5,732	1,983	1,983	-3,749	---
Total, AFRH	67,571	65,279	65,279	-2,292	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 1/					
Volunteers in Service to America (VISTA)	93,674	94,287	93,674	---	-613
Volunteers in Homeland Security	9,935	20,000	5,000	-4,935	-15,000
National Senior Volunteer Corps:					
Foster Grandparents Program	110,775	106,700	110,775	---	+4,075
Senior Companion Program	46,260	46,563	46,260	---	-303
Retired Senior Volunteer Program	58,501	58,884	58,501	---	-383
Senior Demonstration Program	397	---	397	---	+397
Subtotal, Senior Volunteers	215,933	212,147	215,933	---	+3,786
Program Administration	34,346	38,229	38,229	+3,883	---
Total, Domestic Volunteer Service Programs	353,888	364,663	352,836	-1,052	-11,827
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2006 (current) with FY 2005 comparable	390,000	---	330,000	-60,000	+330,000
FY 2005 advance with FY 2004 comparable (NA)	(380,000)	(390,000)	(390,000)	(+10,000)	---
FY 2004 advance with FY 2003 comparable (NA)	(362,627)	(380,000)	(380,000)	(+17,373)	---
Digitalization program, current funded	48,427	---	---	-48,427	---
Funds provided in P.L. 107-116	---	(80,000)	(80,000)	(+80,000)	---
Interconnection, current funded	---	---	---	---	---
Funds provided in P.L. 107-116	---	(20,000)	(20,000)	(+20,000)	---
Subtotal, FY 2004 appropriation	48,427	---	---	-48,427	---
Subtotal, FY 2004 comparable	(48,427)	(100,000)	(100,000)	(+51,573)	---
FEDERAL MEDIATION AND CONCILIATION SERVICE	41,156	42,885	43,385	+2,229	+500
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,131	7,774	7,774	+643	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	243,889	242,024	238,126	-5,763	-3,898
MEDICARE PAYMENT ADVISORY COMMISSION	8,529	9,000	9,000	+471	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	1,003	1,000	1,000	-3	---
NATIONAL COUNCIL ON DISABILITY	2,839	2,830	2,830	-9	---
NATIONAL LABOR RELATIONS BOARD	237,429	243,073	239,429	+2,000	-3,644
NATIONAL MEDIATION BOARD	11,241	11,421	11,421	+180	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,610	10,115	10,115	+505	---
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	131,142	127,000	119,000	-12,142	-8,000
Less Income Tax Receipts on Dual Benefits	-7,948	-8,000	-8,000	-52	---
Subtotal, Dual Benefits	123,194	119,000	111,000	-12,194	-8,000
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	99,350	99,820	101,300	+1,950	+1,480
Inspector General	6,322	6,600	6,600	+278	---
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	20,400	21,658	21,658	+1,258	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	31,795,664	34,198,000	34,198,000	+2,402,336	---
Beneficiary services	45,728	100,000	100,000	+54,272	---
Research and demonstration	38,000	30,000	30,000	-8,000	---
Administration	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, SSI program level	34,704,392	37,362,000	37,301,300	+2,596,908	-60,700
Less funds advanced in prior year	-10,790,000	-11,080,000	-11,080,000	-290,000	---
Subtotal, regular SSI current year	23,914,392	26,282,000	26,221,300	+2,306,908	-60,700
Plus User Fee Activities	111,000	120,000	120,000	+9,000	---
Total, SSI, current request	24,025,392	26,402,000	26,341,300	+2,315,908	-60,700
New advance, 1st quarter, FY 2005	11,080,000	12,590,000	12,590,000	+1,510,000	---
Total, SSI, current request	35,105,392	38,992,000	38,931,300	+3,825,908	-60,700
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	3,736,783	4,192,200	4,108,300	+371,517	-83,900
HI/SMI Trust Funds	1,210,554	1,182,000	1,158,400	-52,154	-23,600
Social Security Advisory Board	1,800	1,800	1,800	---	---
SSI	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, regular LAE	7,774,137	8,410,000	8,241,800	+467,663	-168,200
User Fee Activities (SSI)	111,000	120,000	120,000	+9,000	---
Total, Limitation on Administrative Expenses	7,885,137	8,530,000	8,361,800	+476,663	-168,200
OFFICE OF INSPECTOR GENERAL					
Federal Funds	20,863	25,000	24,500	+3,637	-500
Trust Funds	61,597	65,000	63,700	+2,103	-1,300
Total, Office of Inspector General	82,460	90,000	88,200	+5,740	-1,800
Adjustment: Trust fund transfers from general revenues	-2,936,000	-3,154,000	-3,093,300	-157,300	+60,700
Total, Social Security Administration	40,157,389	44,479,658	44,309,658	+4,152,269	-170,000
Federal funds	35,146,655	39,038,658	38,977,458	+3,830,803	-61,200
Current year	(24,066,655)	(26,448,658)	(26,387,458)	(+2,320,803)	(-61,200)
New advances, 1st quarter	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
Trust funds	5,010,734	5,441,000	5,332,200	+321,466	-108,800
UNITED STATES INSTITUTE OF PEACE	16,256	17,200	17,200	+944	---
Total, Title IV, Related Agencies	41,825,374	45,722,492	45,857,103	+4,031,729	+134,611
Federal Funds	36,700,439	40,166,072	40,408,003	+3,707,564	+241,931
Current Year	(25,230,439)	(27,576,072)	(27,488,003)	(+2,257,564)	(-88,069)
FY 2005 Advance	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
FY 2006 Advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	5,124,935	5,556,420	5,449,100	+324,165	-107,320

Title IV Footnotes:

1/ Appropriations for Americorps are provided in the VA-HUD bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUMMARY					
Federal Funds	419,505,080	457,534,706	466,427,942	+46,922,862	+8,893,236
Current year	(332,112,793)	(364,598,430)	(373,161,666)	(+41,048,873)	(+8,563,236)
2005 advance	(87,002,287)	(92,936,276)	(92,936,276)	(+5,933,989)	---
2006 advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	11,485,390	12,162,342	11,978,994	+493,604	-183,348
Grand Total	430,990,470	469,697,048	478,406,936	+47,416,466	+8,709,888
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	296,311,317	334,126,478	340,152,954	+43,841,637	+6,026,476
Less advances for subsequent years	-65,883,986	-74,061,975	-74,061,975	-8,177,989	---
Plus advances provided in prior years	60,353,937	65,883,986	65,883,986	+5,530,049	---
Total, mandatory, current year	290,781,268	325,948,489	331,974,965	+41,193,697	+6,026,476
Discretionary, total in bill	134,679,153	135,570,570	138,253,982	+3,574,829	+2,683,412
Less advances for subsequent years	-21,508,301	-18,874,301	-19,204,301	+2,304,000	-330,000
Plus advances provided in prior years	19,220,918	21,498,301	19,254,301	+33,383	-2,244,000
Scorekeeping adjustments:					
SSA User Fee Collection	-111,000	-120,000	-120,000	-9,000	---
Repatriation, change in statutory cap	5,000	---	---	-5,000	---
AWIU contingency	70,000	---	---	-70,000	---
Adjustment-OMB Mandatory scoring in Voc Rehab.	---	-84,490	---	---	+84,490
CMS User Fees	---	---	-98,000	-98,000	-98,000
CDC Management/IT Savings	---	---	-49,982	-49,982	-49,982
Rescission of CPB FY 2003 Advance	---	---	---	---	---
CPB FY 2003 S&E adjustment	182	---	---	-182	---
Total, discretionary	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Adjustment to balance with 2003 enacted	-70,000	---	---	+70,000	---
Total, discretionary (FY 2003 enacted)	132,285,952	137,990,080	138,036,000	+5,750,048	+45,920
Grand total, current year (incl FY 2003 comparable)	423,137,220	463,938,569	470,010,965	+46,873,745	+6,072,396
Grand total, current year (incl FY 2003 enacted)	423,067,220	463,938,569	470,010,965	+46,943,745	+6,072,396

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
302(b) General Purposes Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Permissible Cap Adjustment	---	---	---	---	---
Total Anticipated 302(b) Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Total: Discretionary, current year	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Anticipated 302(b) allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Amount over(+)/under (-) 302(b) allocation	956,952	137,990,080	---	-956,952	-137,990,080

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

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, the last 2 years the Republican majority has pushed $2 trillion in tax cuts through this House. A huge percentage of those cuts have been focused on the top 1 percent of earners in this country who make over 100,000 bucks a year. For those 2 years, the Republican Party has pretended that there are no costs associated with those tax cuts. Well, there are, and on this bill is where those costs become evident. This is where the chickens come home to roost.

Cost number one is $26 billion a year in additional interest payments that our taxpayers will have to pay next year because every single dollar of the tax cut that was passed was paid for with borrowed money.

The second cost that is incurred is that because all of the dollars have been put into tax cuts, ''ain't no more money left'' for Medicare fix-ups, ''ain't no more money left'' to do a real as opposed to a ''let's pretend'' prescription drug program, and there isn't nearly enough money left to make the necessary investments that American families depend upon in the education and health care and worker protection area, and this is where those consequences show up on this bill.

Now, what are the deficiencies? First of all, the Republican budget, which was the enabling legislation which enabled the tax cuts to come to this floor, the Republican budget resolution promised Republican moderates, in return for their votes on the budget resolution, they promised that Title I, which is the main education program that we use to help kids who need some help to stay abreast, they promised that Title I would be funded at $1 billion above last year. This bill contains the broken promise because this bill funds Title I $340 million below the amount promised in the Republican's own budget resolution.

Special education. Both parties compete with each other and claim how much they are in love with special education programs. Well, the Republican majority promised $2.2 billion in additional funding for special education if those moderates would just vote for that bill. Now, you bring the actual bill to the floor, and I said yesterday it is apparent the check is not in the mail because this bill is $1.2 billion short of the Republican promise in the budget resolution on that score. That is broken promise number two.

There is another way to measure it. The President, when he came into office, said, ''Oh, he was not going to spend any more money on education until we reformed the programs.'' So we reformed the programs in the No Child Left Behind Act, all kinds of promises to the States and the local school districts, all kinds of mandates. That bill was the mother of all mandates, and yet today, if you take a look at how this bill or those programs compares to the funding schedule in that bill, this bill is $8 billion short, $8 billion short.

Then if you take a look at some of the details, after-school programs, now I know my good friend from Ohio is a strong supporter of those programs, but this bill is $750 million short of the No Child Left Behind promise for after-school programs.

Student aid: Pell grants, the principal program by which we help families send their kids to college, in 1975 Pell grants paid for 84 percent of the cost of a public education on average. This year it is down to 38 percent because this bill freezes Pell grants. In addition to that, the administration cuts the ability of Pell grant recipients to use their full State and local tax deduction in determining their eligibility for Pell grants. So that is another chiseling away at benefits we provide families to go to college.

Now move to the health care front. For 5 years we have almost doubled funding at NIH, the institute which provides for most of the medical research in this country, but this bill puts the brake on that 5-year progress. The result? Grants for new programs and competitive renewal of existing or of expiring grants will go up by only two-tenths of 1 percent for a grand total of 21 grants, the smallest increase in 15 years.

I invite Members of this House, tell the 1.3 million people who are going to get cancer this year, tell the 1 million people who are going to find out they have diabetes, tell the 60,000 people who are going to get Parkinson's, tell them that it is more important to give an $88,000 tax cut to somebody who makes $1 million a year than it is to continue our efforts to attack those diseases at full throttle.

We hear this nonsense about how NIH needs some breathing time in order to absorb the money that we have already given them. Baloney. Less than 35 percent of all of the grants that are approved as being quality science are ever funded. Tell me there is not a need.

Or if you want to move on, the nursing, the new nursing act that passed last year, every politician in this House wrote to every nurse in their district and said, ''we love you, we are all for this program.'' Where is the money to make it reality? No new money in this bill for that program.

Then if you take a look at community service block grant, money that we provide that is used to help families that are poor and near poor, cut by 150 million bucks.

Low-income heating assistance program: I started that program with Ed Muskie back in the 1970s, and we had a lot of help from a lot of Republicans, including Silvio Conte. What has happened to that bill today? We have been told, on one hand, we have been told by the Republican members of our committee, correctly so, that we are going to have a big increase in natural gas prices. How does the committee respond? By cutting the low-income heating assistance program by 200 million bucks. I do not think that is a very smart thing to do.

So basically, these are just a few areas in which this bill is deficient. So what we are going to try to do, despite the fact that the rule turned us down, we are going to try to offer two amendments on this side of the aisle.

We are going to try to add $2.8 billion in additional education funding, to add $340 million more for Title I, $1.2 billion for special education. We are going to try to raise Pell grant, the maximum grants, by $150. In the health care area, we are going to add some money to the rural health program. We are going to add some funding to our chem/bio response capability. We are going to try to double the rate of increased funding for NIH so that we can have a 6 percent increase in new and competing grants. We are going to fund that nursing act. We are going to try to provide $450 million in increased funding for low-income heating assistance. We are going to restore the $150 million cut for the CSBG program. We are going to put $82 million back in the older Americans bill so that we do not have to cut out 3 million congregate meals for senior citizens this year, and so that we do not have to cut out 4 million meals for the Meals on Wheels program.

How are we going to pay for it? We are going to pay for it by cutting the tax cut that people who earn more than a million bucks a year would get from $88,000 that they are now scheduled to get to a mere $60,000. My goodness me, they are going to be stuck on a starvation diet this year, poor folks.

Then we are going to try a second amendment which will raise the matching rate for Medicaid for each State so that we can prevent every State in the Union from knocking kids off the Medicaid or the SCHIP rolls.

Mr. Chairman, we ought to be ashamed of ourselves that we are making kids pay for tax cuts for millionaires by giving up their eligibility for health care. That is an outrageous set of priorities, but it is one which is enforced on this country by the majority party actions in ramming those giant-size tax cuts for high-income people through this House.

We are not saying that those who make $1 million a year should not get a tax cut like everybody else. We are saying that we ought to limit, through the action of our first amendment and the second amendment, all we are saying is when you put those two together, we simply want to limit the size of their tax cut to $44,000 on average instead of $88,000. And I will bet you that if you ask 90 percent of those people, they will say that they would much prefer that we provide the money for these kids and provide the money for their education rather than give them a supersize tax cut.

So, Mr. Chairman, that is what we are going to try to do today because this budget process has been handled in such a way that the majority party has tried to obscure, at every opportunity they have tried to obscure the linkage between their actions on taxes and the resulting actions on education, health care and other needed services for the citizens of this country.

What our amendments will try to do is to reestablish those linkages so that people understand there are consequences to the choices that we make, and those consequences fall most heavily on the people who most need our help.

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

Mr. REGULA. Mr. Chairman, I yield so much time as he may consume to the gentleman from Florida (Mr. YOUNG), the Chairman of the full Committee on Appropriations, and I want to say he did a wonderful job in getting us a very substantial allocation to meet these needs.

□ 1130

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) for yielding me this time, and I want to compliment and congratulate him and the gentleman from Wisconsin (Mr. OBEY), as the chairman and ranking member of the subcommittee, for doing a really good job in allocating the money that was available. As Chairman REGULA has said, there is an increase in the 302(b) allocation for this bill over last year. The gentleman from Wisconsin and the gentleman from Ohio have worked extremely hard to try to balance the funding so that we meet the responsibilities in this bill.

I support the bill. I think it is a good bill. I know that there are a lot of things that Members would like to do and there are a lot of other items that they would like to see funded. But there is a limitation on the amount of money. As everyone knows, we have a budget resolution that did not make our job easy, but it is still the budget resolution, like it or not.

I know that there are many Members who would like to add additional money, because for the 13 appropriation bills, I have received requests from Members that totaled more than $50 billion to add over and above the allocated amount that was provided in the budget resolution. However, we cannot do all of the requests, and we have to do the best we can with what we have. I think the committee has done a really outstanding job. I have been a member of this committee for a long, long time; and I know the members of this subcommittee are diligent and very respectful of their responsibilities.

One thing this bill is not: this bill is not a tax bill. I understand that my friend, the gentleman from Wisconsin (Mr. OBEY), has made this case strongly and he feels very strongly about it. But the fact of the matter is that this is not a tax bill. We do not do taxes in the Committee on Appropriations. That is a Ways and Means responsibility. So I think we have worked together very well to produce this bill. I think we have worked together very well to reach an agreement on the process for this bill.

I believe that sometime today we will have a unanimous consent request that will accommodate Members to have our work concluded by 5 p.m., hopefully. And again I appreciate the gentleman from Wisconsin (Mr. OBEY) very much and Chairman REGULA for working together on this.

Now, if I can just take a minute, I want to give the Members an update on where we are in the appropriations process. As usual, we got off to a slow start because there were some budget decisions that had to be made, that should have been made prior to voting on the budget resolution; but that was not done. However, I want to report that of the 13 appropriation bills, 10 have already been marked up in subcommittee. The 11th will be marked up tomorrow.

We have already marked up seven of these bills in full committee. We have already concluded in the House the Homeland bill, the Military Construction bill, the Defense bill, the Legislative bill, and today we will finish the Labor-HHS bill. So a lot of the heavy lifting has already been done.

By the time we break for the August recess, if we are allowed to maintain the schedule that we have set, we will have passed 11 of the 13 appropriation bills, which is much better than we did last year because of some other budgetary problems. The remaining two bills will be out of the full committee by August recess, but there will not be time to schedule them for floor action, so we will take those up early in September. Senator STEVENS has advised me that we are going to move quickly in the conferences, so we should have our work done in a reasonable timeframe.

Again, I want to express my support for this bill. I want to express my appreciation for everyone who worked so hard to make this bill happen. This is not an easy bill. The defense bill is about half of the total discretionary funds. This bill is about one third of the remaining discretionary funds after defense, and so it is a big bill. The committee has done a good job, and I have tremendous respect for the committee and the subcommittee and the staff for the good job that they have done, understanding that a lot of people would like to have a lot more money, but there was only so much money to go around.

Anyway, I thank the gentleman, I appreciate his yielding time to me, and I support the bill.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I forgot, but I want to state here and now that I have the greatest respect for the gentleman from Ohio (Mr. REGULA) and certainly the gentleman from Florida (Mr. YOUNG). And I know that the gentleman from Ohio, as chairman of this subcommittee, if more money would have been available, would have put the money in the right places. His heart is in the right place. I understand that.

My problem is that the policy of the majority party has prevented Chairman REGULA from being Chairman REGULA. The problem is that we are told as a result of the tax cuts that we can somehow afford $2 trillion in tax cuts over the next decade, over 40 percent of which are targeted at the wealthiest 1 percent of the people in this country, but somehow we cannot afford $3 billion, not trillion, but $3 billion more to educate our kids, or $3 billion more to help see to it that kids do not lose their health coverage in a time of national economic problems. I think that is a sad, sad commentary on the priorities of this Congress.

Mr. Chairman, I yield 6 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time; and let me start, as so many of us do on the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, by saying how much respect we have, affection we have for the chairman of our committee. No committee has a fairer chairman. No committee has a chairman any more committed to the welfare of the American people than the Committee on Appropriations. As we are blessed to have the gentleman from Florida (Mr. YOUNG) as the chairman of our committee, we are fortunate as well to have the gentleman from Ohio (Mr. REGULA) as the chairman of this subcommittee.

As the gentleman from Wisconsin (Mr. OBEY) has said, both of these gentlemen care deeply about this country and care deeply about the people of this country. I have served on this committee, as Chairman YOUNG said, with him for a long, long time. I do not believe this is the bill of the gentleman from Florida (Mr. YOUNG). I do not believe it is the bill of the gentleman from Ohio (Mr. REGULA). It is, however, their response to the realities that confront them, and the gentleman from Ohio pointed that out.

But, Mr. Chairman, on January 8, 2002, on a stage in Hamilton, Ohio, President Bush signed the bipartisan No Child Left Behind Act. Surrounded by Members from both sides of the aisle, including chairman of the House Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), and the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), as well as Senators KENNEDY and

GREGG, the President recognized that the landmark legislation essentially was a contract with the American people. The No Child Left Behind Act demanded greater accountability and expectations in our education system; and in return, it promised, it contracted with States, with teachers, with parents, with America to provide educators greater resources to accomplish our shared goals and responsibilities.

Let me quote: ''A fourth principle of this act,'' the President said, ''is that we are going to spend more money, more resources, but they will be directed at methods that work.'' So we asked Maryland, we asked Ohio, and we asked Florida to perform certain responsibilities; but we said in the process that we would provide them the resources to accomplish those responsibilities.

Well, today, my colleagues, the Republican Party in this House of Representatives has decided, very frankly, that they will break its contract, the GOP's promise with the American people. This Labor-HHS-Education appropriation bill is an unflinching betrayal of the No Child Left Behind Act and a betrayal of children and parents and educators all over this country. While educators and local school districts all across this Nation have begun implementing the new accountability measures under this act, this bill falls $8 billion short of the promise that was made.

Our Republican friends undoubtedly will get up on this floor and say that they are increasing education funding. But here is what they will not say. The funding in this bill, after inflation, is tantamount to a funding freeze. Yes, my colleagues can provide $162 billion in estate tax cuts for the wealthiest families in America, a tax cut that will cost an estimated $750 billion in the decade after 2013, but they cannot keep their promise in funding the No Child Left Behind Act.

Two months ago, in the conference report on the budget resolution, this Republican majority promised, promised a $3 billion increase for the Department of Education. Today, it would underfund that commitment by $700 million, the smallest percentage increase in 8 years. Two months ago, this Republican majority promised an increase in IDEA funding, that is for the disabled children he spoke to, by $2.2 billion. Today, it would provide less than half that promised increase. Two months ago, this Republican majority promised an increase in title I funding by $1 billion. Today, it falls a third of a billion dollars short of that promise.

Furthermore, it cuts LIHEAP, low-income assistance. If Silvio Conte were here, a Republican from Massachusetts, he would be on the warpath saying how irresponsible that was. Even the Bush administration, in a statement of administration policy issued yesterday, and my distinguished chairman said some people say we are not spending enough money, well, ''some people'' includes George Bush, the President of the United States. He said he was disappointed that the LIHEAP funding level is $200 million less than he asked for. Not Democrats; that the President asked for.

In addition, this bill unravels our bipartisan commitment to increased funding for scientific and medical research. It slashes unemployment programs at a time when the unemployment picture is worse than it has been in a decade and where we have produced the least number of jobs of any administration in half a century. It fails to meet our commitment to address the nursing shortage, which the gentleman from Wisconsin (Mr. OBEY) spoke to as well.

Finally, I want to urge my colleagues to support the amendment that will be offered by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) that would bar the Labor Department from spending money on regulations that undermine the 40-hour workweek once again. I urge my colleagues to vote against this bill.

Let me say in closing to my distinguished chairman that when he said we are not the Committee on Ways and Means, he is absolutely correct. But, my colleagues, we cannot, like Pontius Pilate, wash our hands of the responsibility of leaving children behind.

Vote against this bill. Vote for the Obey amendments to add the dollars necessary to fund what the President says we ought to do.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume to just comment and again point out that we have doubled education funding in the last 8 years. We have tripled the amount that goes to special needs children. We have a 2.7 percent increase in this bill over last year, and I think a lot of people in the United States will be happy to get a 2.7 percent pay raise. I am just saying we are doing the best we can with the resources that are available.

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

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

Mr. HOYER. Mr. Chairman, I think the gentleman is correct. And I said that at the beginning, that I think the chairman is doing the best with what he has been given. Our only argument is that he has not been given enough to meet the commitments made in the Republicans' budget and the President's request and the legislation we passed to leave no child behind.

But I think the gentleman is accurate, he has done the best he could with the resources he was given.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I would add one more comment. We have a different situation as a result of 9–11. We have responsibilities that have absorbed funds that otherwise might be available here.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a very valued member of our subcommittee.

□ 1145

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) and compliment him on a good process in tough times.

I have listened to the discussion so far this morning, and I find there are two different schools of thought here on the floor. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) I think believe from my long years of friendship with them, and I consider them friends, they believe that our future in this country depends on what we spend here.

I do not agree with that. I believe our future depends on the opportunities we provide to have good jobs for people to be self-sufficient, to be employed, and to pay taxes. All the programs we provide here help those who cannot participate in that and help them get the education they need and the health care they need.

We keep hearing about these horrible, huge tax cuts. A huge number of the taxpayers they keep talking about are employers. They are people who provide our children and our grandchildren jobs. They are the growth part of this country. They are individual family businesses who, through subchapter S corporations, pay the individual tax rate.

Now I have been in government quite awhile. I have been in business and government about the same length of time. I was in local government, State government and now in Washington. There is a rule that I believe in: If you want less of something, tax it. If you want less, tax it again. The more you tax something, the less you will have of it. If you want something to prosper, tax it less. The theory is the individual family businesses that pay that individual rate, they are the ones that are growing this country, not the global corporations, not these huge companies that we talk about. It is those family businesses. The more we tax them, the less their business can grow because as they make profits, and I know businesses that have poured all of their profits back into the company, buying machines, putting more people to work because they did not have to pay it in taxes.

We cannot have it both ways. The more we prevent them from growing, the more programs we are going to need to support the people that do not have jobs. So the tax cuts Members rail against are the hope of our young people, and I will debate that issue with Members any time.

We heard that in education title I, a $666 million increase was categorized as a $340 million cut. In IDEA, a $1 billion increase was characterized as a $1.2 billion shortfall, but let us talk about IDEA a minute. When I came here, we

were at 5–6 percent of the 40 percent that we had promised. We are now at 20 percent. That is a wonderful, huge increase that did not happen when the other party was in control.

NIH, we doubled their budget and they are now at $27.7 billion. This year they will have an additional $1.7 billion in new research funding. We can play with those numbers and some of last year's money went into construction of buildings and things, but in reality they will have a $1.7 billion increase in research funding.

To conclude my comments, yes, we stand for helping people have a job, and to help people have a job, we help businesses grow by cutting the individual tax rate that prevents them from putting that money back into their business. The big taxpayers in this country, the bulk of them are businesses that are putting our people to work. I am for growing them so that our social programs will be less needed.

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

Mr. Chairman, I believe opportunity is the key, but I think it is very difficult to have opportunity if you do not have an education. It is very difficult to have opportunity if you do not have decent health.

The only choice before us is what we think is more important: Using $6 billion to provide better education for our kids and making sure that kids are not knocked off health care rolls around the country, or whether to use that $6 billion to make sure that people who make more than $1 million a year get an $88,000 tax cut rather than a $44,000 tax cut. That is the only issue before us here today.

I am highly amused when I hear Republicans come to the floor and talk about how much they have done for education. I want to show what the record shows because I negotiated every one of the education budgets for the last 10 years. I was one of the four people in the room when the numbers were decided.

Here is what happened. In fiscal year 1995, the Republican House majority tried to cut $1.7 billion from the previous education budget. They tried to abolish the Department of Education, and they even shut down the government to try to force President Clinton to swallow those priorities. They lost.

In fiscal year 1996, the House Republicans tried to cut $3.6 billion from the previous year's education funding. They lost.

In 1997, the House Republicans tried to cut $2.8 billion from the Clinton budget for education. They failed.

In 1998, the House Republicans tried to cut $660 million from the Clinton education budget. They failed.

In fiscal year 2000, the House Republicans tried to cut $1.4 billion from the Clinton budget, they failed.

In 2001, they tried to cut $3 billion out of the Clinton budget for education. They failed.

Now they are trying to take credit for their failures. I find that interesting; I find that fascinating. I would call it near-Enron accounting. By all means if they want to climb on board and claim that they were funding that they tried to stop, be my guest. The country knows otherwise. Nobody believes them. All I can say is that in Washington the worse thing that can happen to a politician is when they believe their own baloney, and we have heard a lot of it here today.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over a 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

House Republicans then led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $20.8 billion for the Department of Education—a cut of $3.6 billion below the already-reduced FY 1995 level and $5.0 billion below President Clinton's education request. The House Republican LHHS bill was $2.0 billion below the final conference version of the LHHS bill supported by Democrats, which restored the majority of the Republican cuts.

House Republicans passed a FY 1997 LHHS-Education appropriations bill that provided $22.8 billion for education, a cut of $2.8 billion below the request and $3.6 billion below the final conference level for education. Democrats and President Clinton were successful not only in reversing these Republican-led cuts, but increasing education funding in real terms, to the funding levels approved in the last Democratic Congress.

Following the 1997 bipartisan budget agreement, the FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $29.3 billion for education. Democrats secured an additional $410 million in the final conference version of the bill.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $30.5 billion for education, $2.6 billion less than the $33.1 billion provided in the final conference agreement on LHHS.

In the House of Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—$33.3 billion was included for education, nearly $2.4 billion less than the $35.7 billion included in the final conference agreement.

In FY 2001, House Republicans included $37.1 billion in the House-passed Labor-HHS-Education Appropriations bill. This amount was a stunning $.9 billion below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the House-passed LHHS bill provided $49.3 billion for education, an increase of $4.7 billion over the Bush request. The House level was scaled back slightly (by $336 million) in the final conference agreement.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that provided the President's request of $50.3 billion. This Republican LHHS bill was $2.8 billion below the final level agreed to in the FY 2003 omnibus bill.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	25,804	20,797	22,812	−5,007	−2,016
FY 1997	25,561	22,756	26,324	−2,805	−3,568
FY 1998	29,522	29,331	29,741	−191	−410
FY 1999	31,185	30,523	33,149	−662	−2,625
FY 2000	34,712	33,321	35,703	−1,391	−2,383
FY 2001	40,095	37,142	42,092	−2,953	−4,949
FY 2002	44,541	49,268	48,932	4,727	336
FY 2003	50,310	50,310	53,113	0	−2,803
FY 1996 to FY 2001	186,879	173,870	189,820	−13,009	−15,951
FY 1996 to FY 2003	281,730	273,448	291,865	−8,282	−18,418
FY 2004	53,139	55,380	na	2,241	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in H.R. 246, a LHHS bill introduced by Chairman Regula. Shaded areas are years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill. Figures reflect CBO scoring which may differ from OMB scoring in certain years.

In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

REPUBLICAN RECORD ON TITLE 1

If House Republicans had had their way, funding for Title 1 would have been cut between FY 1996 and FY 2003 by a net total of $3.4 billion below the final levels that were enacted into law.

House Republicans led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $5.6 billion for Title 1—slashing Title 1 funding by $1.14 billion below the previous year's level. The House Republican bill was $1.18 billion below the final conference version of the LHHS bill which rejected the Republican cuts.

In FY 1997, House Republicans included $6.8 billion for Title 1 grants in the FY 1997 LHHS-Education appropriations bill, a cut of $414 million below the request and $443 million below the final conference level for education.

Following the 1997 bipartisan budget agreement, the House-passed FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $7.7 billion for Title 1, an increase of $150 million over the request. This amount was scaled back slightly in conference to $7.5 billion.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $7.4 billion for Title 1, $421 million less than the $7.7 billion provided in the final conference agreement on LHHS.

In the House Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—Republicans proposed to freeze title 1 funding at $7.7 billion—$209 million less than the $7.9 billion included in the final conference agreement.

In FY 2001, House Republicans again proposed to freeze Title 1 grants at $7.9 billion in the House-passed Labor-HHS-Education Appropriations bill. this amount was $660 million below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the bipartisan House-passed LHHS bill provided $10.5 billion for Title 1, a $1.7 billion increase that was the largest increase in the program's history. This amount was slightly scaled back (by $150 million) in the final conference agreement to $10.35 billion.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that included $10.85 billion for Title 1, cutting the President's request by $500 million. This Republican LHHS bill was $834 million below the final $11.7 billion included for Title 1 in the FY 2003 omnibus bill.

TITLE 1 GRANTS TO SCHOOL DISTRICTS

[Discretionary budget authority program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	7,000	5,555	6,730	−1,445	−1,175
FY 1997	7,165	6,751	7,194	−414	−443
FY 1998 [1]	7,541	7,691	7,495	150	195
FY 1999	7,767	7,375	7,796	−392	−421
FY 2000	7,996	7,732	7,941	−264	−209
FY 2001	8,358	7,941	8,602	−416	−660
FY 2002 [1]	9,062	10,500	10,350	1,438	150
FY 2003	11,350	10,850	11,684	−500	−834
FY 1996–2003				−1,842	−3,397
FY 2004	12,350	12,350	na	0	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill.

REPUBLICAN RECORD ON IDEA PART B STATE GRANTS

If House Republicans had had their way, funding for IDEA Part B State Grants—which finance the federal contribution toward excess special education costs—would have been cut between FY 1996 and FY 2003 by a net total of $2.8 billion below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill proposed to freeze IDEA Part B state grants at $2.3 billion, and the final conference level was $2.3 billion. This was a $88 million cut below President Clinton's request of $2.4 billion.

In FY 1997, the House Republican LHHS bill would have frozen IDEA Part B state grants funding at $2.3 billion—a level $279 million below President Clinton's request of $2.6 billion and $784 million below the final conference level of $3.1 billion.

In FY 1998—a bipartisan year in which Democrats supported the LHHS bill—the LHHS bill adopted by the House provided $3.4 billion for the IDEA Part B state grants, $185 million more than the request. Democrats secured an additional $375 million in conference above the House level for a final appropriation of $3.8 billion.

In FY 1999, the House Republican LHHS bill provided $4.3 billion for IDEA Part B state grants and this level was enacted in the final, conference agreement.

In FY 2000, the House Republican bill provided $4.8 billion for IDEA Part B state grants, $179 million below the final conference level of $5.0 billion.

In FY 2001, the House Republican bill provided only $5.5 billion for IDEA Part B state grants, an amount that was $850 million below the final $6.3 billion approved in conference.

In FY 2002—a bipartisan year in which Democrats supported the LHHS bill—the House-passed LHHS bill provided $7.7 billion for IDEA Part B state grants, a $186 million increase over the final conference level of $7.5 billion.

In FY 2003, the House never even considered the LHHS bill. However, the Republican LHHS bill introduced by Chairman Regula recommended $8.0 billion for IDEA Part G state grants, a $500 million cut below the President's request and $846 million below the final conference level.

IDEA PART B STATE GRANTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP compared to conference
FY 1996	2,412	2,324	2,324	−88	0
FY 1997	2,603	2,324	3,108	−279	−784
FY 1998 [1]	3,241	3,426	3,801	185	−375
FY 1999	3,811	4,310	4,310	499	0
FY 2000	4,314	4,811	4,990	497	−179
FY 2001	5,280	5,490	6,340	210	−850
FY 2002 [1]	7,340	7,715	7,529	375	186
FY 2003	8,529	8,029	8,874	−500	−846
FY 1996–2003				898	−2,847
FY 2004	9,529	9,874	na	346	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

INDIVIDUALS WITH DISABILITIES ACT

Fiscal year	Children served (000)	Appropriation ($000)	Dollar increase in appropriation	Percent increase in appropriation	Federal share as a % of APPE
1977	3,485	251,770	na	na	5
1978	3,561	566,030	314,260	124.8	10

INDIVIDUALS WITH DISABILITIES ACT—Continued

Fiscal year	Children served (000)	Appropriation ($000)	Dollar increase in appropriation	Percent increase in appropriation	Federal share as a % of APPE
1979	3,700	804,000	237,970	42.0	13
1980	3,803	874,500	70,500	8.8	12
1981	3,941	874,500	0	0.0	10
1982	3,990	931,008	56,508	6.5	10
1983	4,053	1,017,900	86,892	9.3	10
1984	4,096	1,068,875	50,975	5.0	9
1985	4,124	1,135,145	66,270	6.2	9
1986	4,121	1,163,282	28,137	2.5	8
1987	4,167	1,338,000	174,718	15.0	9
1988	4,236	1,431,737	93,737	7.0	9
1989	4,347	1,475,449	43,712	3.1	8
1990	4,419	1,542,610	67,161	4.6	8
1991	4,567	1,854,186	311,576	20.2	9
1992	4,727	1,976,095	121,909	6.6	8
1993	4,896	2,052,728	76,633	3.9	8
1994	5,101	2,149,686	96,958	4.7	8
1995	5,467	2,322,915	173,229	8.1	8
1996	5,629	2,323,837	922	0.0	7
1997	5,806	3,107,522	783,685	33.7	9
1998	5,978	3,801,000	693,478	22.3	11
1999	6,133	4,301,000	500,000	13.2	11
2000	6,274	4,976,685	675,685	15.7	12
2001	6,381	6,323,685	1,347,000	27.1	14
2002	6,483	7,512,533	1,188,848	18.8	16
2003	6,580	8,858,398	1,345,865	17.9	18
2004 Request	6,672	9,512,533	654,135	7.4	19

Note.—Annual appropriations exclude funding for studies and evaluations.
Source: Data provided by the U.S. Department of Education Budget Service.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Just to keep the record straight, the Democrats had control of the Presidency, the House and the Senate in fiscal years 1994 and 1995. During this time, Congressional Democrats voted to cut the Department of Education by over $3 billion below levels recommended by President Clinton. The fiscal year 1994 increase was only 3.6 percent, and 1995 was only 2.4.

In fiscal year 1993, a Democrat-controlled House and Senate passed a final bill that cut President Bush's education budget by nearly $700 million. I think we have to stick with the facts here today. It is obvious that there have been some different approaches in the past.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I received unanimous consent earlier to insert a table after my remarks, which I will do, which will lay out clearly what the record has been over the last 10-year period.

All I would say in further rebuttal to my good friend: Regardless of what each of us argues the past shows, the issue today is whether we are for $6 billion more for education and health care for kids and sick people, or whether you are for using that $6 billion to make sure that our struggling millionaires get a double-sized tax cut. I think the public will see by the votes who is for what.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	25,804	20,797	22,812	−5,007	−2,016
FY 1997	25,561	22,756	26,324	−2,805	−3,568
FY 1998 [1]	29,522	29,331	29,741	−191	−410
FY 1999	31,185	30,523	33,149	−662	−2,625
FY 2000	34,712	33,321	35,703	−1,391	−2,383
FY 2001	40,095	37,142	42,092	−2,953	−4,949
FY 2002 [1]	44,541	49,268	48,932	4,727	336
FY 2003	50,310	50,310	53,113	0	−2,803
FY 1996 to FY 2001	186,879	173,870	189,820	−13,009	−15,951
FY 1996 to FY 2003	281,730	273,448	291,865	−8,282	−18,418
FY 2004	53,139	55,380	na	2,241	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.
[1] Years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill. Figures reflect CBO scoring which may differ from OMB scoring in certain years.
In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

House Republicans then led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $20.8 billion for the Department of Education—a cut of $3.6 billion below the already-reduced FY 1995 level and $5.0 billion below President Clinton's education request. The House Republican LHHS bill was $2.0 billion below the final conference version of the LHHS bill supported by Democrats, which restored the majority of the Republican cuts.

House Republicans passed a FY 1997 LHHS-Education appropriations bill that provided $22.8 billion for education, a cut of $2.8 billion below the request and $3.6 billion below the final conference level for education. Democrats and President Clinton were successful not only in reversing these Republican-led cuts, but increasing education funding in real terms, to the funding levels approved in the last Democratic Congress.

Following the 1997 bipartisan budget agreement, the FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $29.3 billion for education. Democrats secured an additional $410 million in the final conference version of the bill.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $30.5 billion for education, $2.6 billion less than the $33.1 billion provided in the final conference agreement on LHHS.

In the House Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—$33.3 billion was included for education, nearly $2.4 billion less than the $35.7 billion included in the final conference agreement.

In FY 2001, House Republicans included $37.1 billion in the House-passed Labor-HHS-Education Appropriations bill. This amount was a stunning $4.9 billion below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the House-passed LHHS bill provided $49.3 billion for education, an increase of $4.7 billion over the Bush request. The House level was scaled back slightly (by $336 million) in the final conference agreement.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that provided the President's request of $50.3 billion. This Republican LHHS bill was $2.8 billion below the final level agreed to in the FY 2003 omnibus bill.

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

Mr. Chairman, I think that debate was held when we had the Ways and Means bill. Today we have to work with what we have.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), a valued member of our subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I commend the gentleman from Ohio (Mr. REGULA) and the full committee chairman for bringing this bill to the floor. This bill funds a lot of critical health investments, but being a Republican, I must say that in many past years I have been very concerned about this bill. It would often have significant increased levels of funding well above and beyond the inflationary level. We would have inflation going at 2 and 3 percent, and in some of these previous Labor-HHS appropriations bills, there have been 10–15 percent funding increases.

I was particularly concerned about this issue this year. We have had a significant decline in revenue into the Federal Treasury, mainly due to the recession. We have had significant expenses associated with the war on terror, the wars in Afghanistan and Iraq, and I think the chairman of the Committee on Appropriations should be commended. He has brought a bill to the floor that is a total of $138 billion, $46 million over the budget request, $3.6 billion over comparable levels of last year.

I think it funds education, I think, adequately under the circumstances that we are in. And I must reiterate what the chairman has already said: We have doubled education spending over the last 8 years. Some of the other programs that I am particularly interested in, it provides the third year of the President's initiative to expand health services through community health centers. I have seen these programs in action firsthand. I think they are a very effective use of health care dollars, Federal tax dollars, in providing needed health care to some of the poorest in our country.

And the chairman just made some very good points. We are the majority. We have to be the responsible adults here. If we look at the Democratic record when they were in the majority, they frequently underfunded below the authorization levels in a lot of these programs. For example, the Democratic past Labor-HHS bill back in I believe it was 1994, that year increased education spending by only 2 percent. The chairman pointed out a reduction of $3 billion in 1995.

The issue here is it is easy to pass an authorization bill, but to find the dollars to fund it is always a challenge, and I think the chairman has done really an outstanding job in meeting that requirement.

Now, regarding the business about the tax cuts, if we did not cut taxes, supposedly we would have more money for this bill. Well, let us look at what those tax cuts are doing. Some of the tax cuts, they are going to the child credit. These are families that are going to get more money to pay for the cost of raising their kids. It is money that is going to go right back into the economy.

Then, of course, the gentleman from Pennsylvania (Mr. PETERSON) laid this case out very, very nicely. When we cut the rates, the majority of job growth in this country has been in the small business sector. Most small businesses pay at the personal level, and most of those small businesses, if you leave more money with them, if you tax them less, they are going to leave it in the business, and it will be easier for them to create jobs. Today we had another posting of unemployment up. I think most Americans want to see, more than funding for all of these various Federal programs going up much higher than the inflation level, would rather see people getting a job.

I stand by our tax cut package. I think it was the right thing to do. It was badly needed to get this economy going. Once we get this economy going, we are going to have more money into the Federal Treasury to better enable us in the years ahead to meet the requirements of all these various programs that the Federal Government is involved in funding.

I would encourage my colleagues, conservatives, liberals, Democrats, Republicans, to support this bill. I think this is a very, very good bill in the context of where we are today. We have a recession. We have a war on terror going on. We have problems in Iraq still. Yet we have a fairly good bill that increases funding for most of these critical needs areas slightly. I think it is a very responsible, mature, adult bill. I again commend the chairman.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, let me begin by expressing my appreciation to the ranking member, the gentleman from Wisconsin (Mr. OBEY), and to the gentleman from Ohio (Mr. REGULA). It is an honor to serve under the gentleman from Ohio (Mr. REGULA).

□ 1200

The chairman indicated at the beginning of his remarks there are two real roles, goals, responsibilities, if you will, for government under the Constitution: to provide for the common defense and to provide for the general welfare. Just a few days ago, the Congress of the United States voted in the amount of $369.1 billion to provide for the common defense; and the other constitutional provision for which the chairman spoke, providing for the general welfare, today we will vote in the amount of $138 billion. Go figure. If we are providing for the common defense, a clear responsibility under the Constitution, providing for the general welfare, $138 billion, certainly the Federal Government has room for improvement on this question.

The key here is the 302(b) allocation for this bill, which limited our committee to $138 billion. The 302(b) allocation for this bill woefully underfunds a number of programs.

Mr. Chairman, I rise in strong opposition to this bill that is before us today. Today we are considering the bill which assists the most vulnerable in our Nation. This bill provides assistance to the unemployed and job training to those who need the skills. This bill provides health care treatment, research, prevention funds to those who are ill; and this bill provides funds for the great American equalizer. What was unclear in the chairman's statement was whether or not he advocated for more funds under the 302(b) allocation for this bill. If he advocated for more funds for the Labor, Health and Human Services bill, then he cannot at the same time say that the funding for this bill is adequate because it is inadequate if he argued for more funds under the 302(b) allocation.

Mr. Chairman, this bill does provide more money for title I, but it does not provide adequate money. Title I is the primary Federal program that helps school districts meet the new accountability and academic results mandated by the Leave No Child Behind Act. With the title I funding, low-income, low-performing children are able to get help particularly with reading and mathematics, the two subjects that the No Child Left Behind Act requires be tested in grades three through eight beginning in 2005. Title I is a critical source of funding for high-poverty schools. In adopting the rigorous new accountability standards in title I, Congress on a bipartisan basis agreed to phase in increased title I payments over several years. For fiscal year 2004, the No Child Left Behind Act authorizes $18.5 billion with additional increments each year through 2007. The majority's fiscal year 2004 budget resolution promises $1 billion, or 9 percent increase over fiscal year 2003 for title I grants for school districts for a total of $12.7 billion.

Mr. Chairman, it is clear that title I falls woefully underfunded in the chairman's mark.

The Majority's FY 2004 Budget Resolution promised a $1 billion or 9 percent increase over FY 2003 for Title 1 grants to school districts, for a total of $12.7 billion. Yet, the Committee bill provides only the President's request of $12.4 billion a—$666 million or 6 percent increase over last year and the smallest increase in 4 years—and falls $334 million short of their promise.

The Democratic Substitute offered in full Committee mark-up would have eliminated this gap by providing the additional $334 million for Title 1 grants, for a total of $12.7 billion. These funds would have allowed schools to hire an additional 6,600 teachers to provide high quality instruction to about 140,000 disadvantages children who are falling behind.

The $12.4 billion included in the Committee bill for Title 1 is $6.15 billion below the amount targeted in the NCLB Act. Let me say that one more time—$6.15 billion is below the amount targeted in the No Child Left Behind Act. With the additional $6.15 billion, an additional 120,000 teachers could have been hired to provide instruction to approximately 2.5 million low-income children across this country.

NCLB imposes significant new mandates on Title 1 schools, including new annual testing requirements in grades 3–8, ''adequate yearly progress'' to achieve academic proficiency for all children disaggregated by low-income, minority, limited English proficient, and children with disabilities status, new teacher and paraprofessional qualification standards, new data collection and reporting, and additional parental notice requirements.

More than 8,600 Title 1 schools, enrolling 3.5 million disadvantaged students nationwide, have been identified as failing to meet state academic standards. These chronically failing schools will face additional sanctions under the No Child Left Behind Act if they do not improve their academic performance. More schools will be labeled failing as states implement new ''adequate yearly progress'' requirements.

High-poverty schools have the greatest challenges, but the least experienced teachers, lower teacher salaries, and higher teacher turnover-factors with a negative correlation with student achievement.

Since FY 1996, Title 1 funding has increased from $6.7 billion to $11.7 billion, an increase of $5.0 billion or 75 percent. However, these increases were in spite of, not because of, House Republicans.

If House Republicans had had their way, they would have cut Title 1 funding by a net $1.8 billion between 1996–2003. House Republicans tried to slash Title 1 funding below the President's requests by $1.4 billion in FY 1996, $414 million in FY 1997, $392 million in FY 1999, $264 million in FY 2000, $416 million in FY 2001, and $500 million in FY 2003. In total, these cuts of $3.4 billion were offset by increases of $1.6 billion in FY 1998 and FY 2002—two bipartisan years when Democrats secured additional education funding for the LHHS bill.

Again, Mr. Chairman, I am strongly opposed to this bill. In January 2002, the President signed into law Congress' commitment to the most vulnerable children in America—Title 1. This bill falls $6.15 billion short of that commitment.

Mr. REGULA. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. WICKER), a very valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman for yielding me this time.

Some years ago when I first came to this House of Representatives, I was afforded an unusual honor. I was a freshman appointed to the Committee on Appropriations, and at that same occasion I was given an opportunity to be on this very important subcommittee; and I have had the privilege of serving for some 8½ years in this capacity and watching these debates year after year. I would submit, Mr. Chairman, that those Americans following this debate today and down through the years get a pretty good idea of the dynamics going on in this House concerning spending bills.

First of all, I want to echo what some of my colleagues on the Democratic side of the aisle have said. We all have a great deal of affection, Democrat and Republican, for the gentleman from Ohio (Chairman REGULA) and the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. Likewise, I have great respect and affection for the intellect and determination and hard-work ethic of the gentleman from Wisconsin (Mr. OBEY). We will roll up our sleeves. We will debate in an honest manner. We will come up with a result, and then we will slap ourselves on the backs as Americans and say that we have done the best that we could do for our country and for our constituents. So we are all agreed that we cast no aspersions on each other as human beings.

My friends on the Democratic side of the aisle simply have a different philosophy of government than we do on this side of the aisle. They wish that we could spend more money on this bill, and they wish that we could spend more money on a lot of bills, and that is their true feeling; and they also feel that if only we could tax more, if only taxes were higher, then we could spend more money on the programs that they believe in.

In response to some of the charges that have been made and some of the statements that have been made by those who are going to oppose this bill today, the gentleman from Ohio (Mr. REGULA), my chairman, has pointed out that this Republican majority has doubled education spending, has tripled special needs education spending, and has doubled research under the National Institutes of Health. And in response to those remarks about huge increases in Federal spending, frankly some of my Republican colleagues, some of my more conservative Republican colleagues actually have concern about that level of increase. They are troubled that we have increased spending so much. They are a bit embarrassed by that, and they say that we did not come here to increase the size of government.

So the gentleman from Ohio (Mr. REGULA), my friend and chairman, has had to strike a balance and come up with a product that will be able to get a 218-vote majority and move this legislation forward. There are 13 bills that must pass this House of Representatives, or we are not doing our duty, and they are the 13 appropriation bills. This is one of the largest and most significant of those, and the gentleman from Ohio (Mr. REGULA) has done a good job in balancing those competing dynamics and coming up with a very reasonable bill.

As has been pointed out by some of my colleagues, this bill tries to hold program level growth and discretionary spending to a 2.7 percent increase from last year. At the same time, it provides the third year of the President's initiative to expand health services through the Community Health Centers program, a program that the President believes in and that he campaigned on in the year 2000. It increases funding for medical research, supported by the National Institutes of Health, by $680 million on top of the doubling of NIH funding that we have had over the past 5 years, which was a bipartisan commitment.

In order to frame the debate today, my friends on the Democratic side of the aisle will want to reopen the debate on the tax cut bill which of course has already been passed and already been signed into law. Their contention is that the rich have gotten too much in terms of tax cuts and that if only we would tax the rich a little more, then we could do some more of the kind of spending that they would like to do. I contend that this type of class warfare does not serve our Nation well, and it does not accurately reflect the truth about our Tax Code.

The truth is that during the past few years taxes on the richest Americans have increased by some 250 percent. In addition, it might interest Americans and my colleagues to know that the top 50 percent of wage earners in the United States pay 96 percent of all Federal taxes. The top 10 percent of earners in America—the top 10 percent—pay 67 percent, and even after our tax cuts, the top 1 percent of earners are still paying 37 percent of the taxes which our Federal Government receives.

Mr. Chairman, we will end the fiscal year on September 30. Unfortunately, we will finish with a $400 billion deficit. We are told by economists that some $300 billion of this deficit is due to the weakness in our economy. The last thing we want to do in a weak economy is start unraveling the tax cut which we passed for the very purpose of getting this economy stimulated. We need to create jobs both in large industry but also in the private sector with our small business individuals. We think the tax cut bill that has been signed into law by President Bush will create jobs. We think that the same Americans who are benefited by the programs

in this bill will also be benefited up and down the economic spectrum by the tax cuts because the economy will improve. So I say that we should certainly vote for this bill. I support my chairman entirely. I hope we will reject the amendment as offered by the Democrats, and I thank the chairman for yielding me this time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say there are no two people more committed to education of our young children than the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA). And the budget that we are presented today, or the funding that we are presented today, in this legislation is not of their doing. That decision was made a long time ago when the decision was made to provide for the tax cuts to go out and borrow $2 trillion and give it away in tax cuts, and the result is that we do not now have a sufficient amount of money to fund the promises that were made by this administration, by this Congress for the education bill of leaving no child behind. I am very proud to have been one of the four primary cosponsors of that legislation, to be one of the architects of that legislation. I believe that the reforms that we are asking to come about in that legislation are changing education in America, are giving children who never had an opportunity before, children who were lost in the system, an opportunity. But that legislation is the most significant reforms of the Federal role in elementary secondary education in 35 years.

Constantly, as we met and talked with the President of the United States, we talked about whether or not if we did the reforms would we have the resources, and we were assured we would have them. But today is when the rubber meets the road because today this is the appropriations bill. This is when we decide the real money that we will spend, and of course what we now see is the money that was promised in Leave No Child Behind is not in this legislation. It is not here for teacher professionalization, it is not here for title I, it is not here for after-school, all of which are key components to improving the educational experience and the success of America's children, especially America's poor and disadvantaged children.

We make it a keystone of this legislation, and it is a key to improving education and that is that we have a qualified teacher in every classroom within 4 years; and yet, of course, we see here that the funding is not available. Just yesterday the Republicans promised an additional $300 million for the Ready to Teach Act and yet the money for current teachers for professionalization is not in this legislation. It is short over $200 million, $240 million that would go to taking those thousands of teachers who are not presently certified, qualified to teach the subjects they are teaching, and get them certified and get them qualified so they can teach our children what they should be learning and our children will have an opportunity to learn it.

This appropriations bill, because of the budget decisions made by the Republicans and the administration, is a series of broken promises, promises made by the President of the United States when he signed this legislation, promises made by this administration and made by this Congress to America's parents, to America's children, to our schools, our school districts, that we would provide the resources to carry out these reforms, the annual assessment of children, the determining of which children are doing well and which need additional help. All of that is now threatened by the failure to provide this funding. It is not enough to say we double the funding in past or we tripled the funding in past. This is a brand-new game. It is a brand-new game based upon these very significant, important reforms.

□ 1215

The fact of the matter is there was a bipartisan agreement reached on the money that was necessary to carry out these reforms, and now we are reneging on that, and yet we are continuing to ask school districts to go forward with these reforms. We are continuing to ask school districts to make sure that every teacher is qualified, but we are not going to provide the resources to do that.

We have here the smallest increase in the past 8 years in education. Yes, it is an increase, but the question we should ask, just as we ask in many other parts, is is it sufficient to get the job done as the American public expects?

The fact of the matter is this provision in education funding in this legislation is not sufficient to do that. It is not going to provide the outcomes that we want for America's children. It is going to leave millions of children behind to a substandard education, trapped into results of that substandard education, and the loss of economic opportunity in America's society.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think we just have to keep the record straight today, and this is a fact. What was promised by President Bush and congressional Republicans in No Child Left Behind was that Federal K–12 education spending would increase substantially, linked for the first time to accountability and high standards, and that is precisely what has happened.

Title I, disadvantaged students, the primary spending program in the No Child Left Behind increased during the first 2 years of President Bush's administration more than it did during the previous 7 years combined under President Clinton.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), a valued member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman I thank the gentleman for yielding me time.

Mr. Chairman, many of us, when we came to the Committee on Education and the Workforce, I came off the authorization committee for education and got on appropriations, I had concern when John Porter retired. I did not know who on the Republican side could fill the shoes of John Porter, one of the most caring individuals that I have ever known as far as education, medical research and the issues that we have in this bill today.

Well, I want to tell you something. The gentleman from Ohio (Chairman REGULA), and I think the gentleman from Wisconsin (Mr. OBEY) would agree, has more than filled those shoes. He cares deeply about those programs, education, medical research and the other issues, and he has done everything he can to bring this bill forth that helps people.

If you vote against this bill, there is an increase in IDEA, you are going to vote against that. If you vote against this bill, there is an increase in Pell grants. You are going to vote against those increases. Maybe not as much as you want, but there is an increase, and you will vote against it.

Be partisan if you want. This bill has got a lot of good things. None of it has the things that all of us want. I would like to see, under a different economy, more into education. And I think if you take the ''tax rate for the rich'' argument, if tax relief was static, then they would be right. But it is not. President Kennedy, former President Bush, this President Bush know that when you stimulate the economy and you have more revenue coming in to the Treasury, you will have more money for the economy and for education. That is what we believe, not that we are giving money away to ''the rich.''

My friends on the other side will say, well, they drug the Republicans kicking and screaming for education. Well, no skid marks. And I want to tell you, on this chart, if they drug us through the muck to raise education funding, look at 1995 and prior and where they funded education. I will submit these charts for the record. But they sure did not drag their own party to increase education, because look at the level at which the increase in education was and what it is now.

My colleagues on the other side know there is a regular process. The other body, that many of us call the House of Lords, no matter what figure we put in for any one of the 13 appropriations

bills, they will load it with pork. Traditionally, the Democrats did so, too, when they were in the majority, and that is, I think, a little bit of these figures that go into that as well. But they knew in conference there was a negotiation, and this bill will be negotiated in the conference as well.

I think if you look at the number of increases, Republicans did not do it all by ourselves. The gentleman from California (Mr. GEORGE MILLER) over there, I laud what he did in working with the President, and we did that in a bipartisan way. I think we can get through this bill the same way.

If you take a look at IDEA, the gentleman from Wisconsin (Mr. OBEY) yesterday said they increased IDEA 7 percent every year. That is true. But when you increase IDEA from 2 percent of funding or 3 percent of current level, it is not very much, and the maximum was 6 percent. We are up to like 18 percent now in the last 5 years. That is a significant increase.

Did Republicans do that alone? Absolutely not. We did it with the help of the gentleman from Wisconsin (Mr. OBEY), we did it with the help of our Speaker and with the Members of the other body. Unfortunately, on the floor today there is more partisan wrangling for an election coming up than there is sitting down and really wanting to work on these bills, and that is disconcerting.

I have brought forward that my real concern is that we are increasing a lot of these funds for Title I, and we did in the previous years, too, with the help of my friend the gentleman from Wisconsin (Mr. OBEY) as well. But in California, Governor Davis, for example, Title I, the extra money we got in the formula fight and increases in funding, he has taken that money and is putting it into county mental health.

IDEA, which we fight for, my sister-in-law is head of IDEA for Alan Bersin, Superintendent of city schools, who was working under President Clinton, and I am supporting him. He is a good guy trying to do the right thing. But Governor Davis is cutting the State money and using the Federal money to drive the engine of IDEA and cutting a lot of people out. There is never enough money there that we can put in to solve all of these problems. I would say all the way from Pell Grants to Impact Aid, all of these programs are being cut.

My concern is the State of California and the lack of leadership of Governor Davis. He is crucifying the education programs.

Let me go to another area. The gentleman from Wisconsin (Mr. OBEY) could really ping on me on this if he wanted to, because when I came here as a freshman, I did not support the National Endowment for the Arts or NIH. I still do not support the National Endowment for the Arts. I thought they were a waste of money.

Then Speaker Gingrich came to me and said, Duke, look at it fiscally. Look at a child with diabetes. If we can get in with early detection and intervention and healthy living, we can stop kidney dialysis, the child going blind, amputation, re-hospital visits, and those dollars we will have to apply to Medicare more.

Then I went back and trumped Speaker Gingrich, who is controversial on your side, but he really had his heart in the right direction as far as NIH. I went back with John Porter and said it should be a Republican policy to double medical research, because it is the one thing that we can do to give back. You converted me, and we have done that.

In this bill, do we keep adding the money for NIH? No. We have doubled it, and now we want a COLA to maintain. If you take out construction, which can be delayed, it actually increases it 6 percent. And we did not get here alone. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) and Speaker Gingrich and the gentleman from Ohio (Mr. REGULA), all of us have worked on this. I just wish I would hear a little less partisan wrangling on the floor and more coming together, because I know, my friend, the gentleman from Wisconsin (Mr. OBEY), we have done that before. I would like to continue to do that.

Mr. Chairman, I include the following for the RECORD:

[Charts not reproducible in the RECORD.]

SPECIAL EDUCATION

For too long, America has measured success in special education by money and regulations—not by whether disabled children are learning.

The bill provides record funding of $9.9 billion to help the states. That means more than $1,400 per special education student. This year, a new authorization will focus on instruction methods, curricula, teacher training, and education strategies, that help identify early and accurately as well as treat swiftly the needs of disabled children.

NEW SOLUTIONS FOR TEACHING DISABLED CHILDREN BETTER

There are many challenges facing special education.

For some parents, special education laws and regulations can be a morass of bureaucracy and unmet needs leading to frustrating conferences, meetings, even court rooms. But for the vast majority of parents (67%), they rate their schools as ''good'' or ''excellent.''

As a recent survey of members of the National Schools Boards Association noted, almost 9 in 10 (88%) identified special education as an issue of ''moderate'' or ''significant concern.''

For special ed teachers, special education laws and regulations can mean reams of paperwork that keep them out of the classroom.

For some educators, special education laws mean extra class work as a nurse, a psychologist, or a social worker when trying to help a student while teaching a full class.

For school officials, special education can mean tough choices about resources and other students' needs, pitting some programs against others.

No Child Left Behind applies to every student—including those with disabilities.

Under the bipartisan law, every state must set clear and high standards for what students in each grade should know and be able to do in the core academic subjects of reading, math, and science.

States will measure each student's progress toward those standards with tests aligned with those higher standards.

The law requires that all schools be held accountable for the learning of every student.

We have to identify special needs early and accurately . . .

Of the 6.5 million children in special education, half of those who are in special education are identified as having a''specific learning disability.'' In fact, this group has grown over 300% since 1976.

Of those with ''specific learning disabilities,'' 80% are there simply because they haven't learned how to read. We must change that by promoting solid curricula, good teachers and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled as having mental retardation and placed in special education.

. . . and get children help swiftly and surely.

By focusing on scientifically tested, evidence-based research we can end the fads that force many children into special education.

By focusing on programs that work we can find the best ways to teach children including how to meet unique learning needs. To this end, No Child Left Behind funds only scientifically based teaching materials.

And, through the President's Early Reading and Reading First initiatives, reading programs will be supported that use proven methods, equip teachers to intervene when problems arise, and allow educators to build on strengths and target learning needs.

We must move from a culture of compliance to a culture of accountability and results.

This year Congress has the opportunity to resolve these issues. The Individual with Disabilities Education Act is set for reauthorization. Now is the time for reform.

The Education of the Handicapped Act of 1975 (now IDEA) requires that every child with disabilities receive a free and appropriate education in the public schools. Millions of children have benefited.

But too many fail to catch up.

Congress has poured billions of dollars into special education. It's time to measure progress not dollar signs.

We must heed the plea of families and make the system simpler.

We must heed the plea of teachers and reduce the paperwork and increase their time in the classroom. A tree should not fall every time a child enters special education.

Special education money must yield results—not encourage districts to put children in special education to get more federal money. The percentage of children in special education has soared from 8% in 1976 to 13% in 1997.

Politics should stop at the schoolhouse door.

That's why President Bush appointed experienced educators to a special commission to find out how to best serve children with disabilities.

The Commission on Excellence in Special Education looked at ways to make sure lesson plans, textbooks, and teaching methods are scientifically proven to get results so that early classroom experiences help not exacerbate learning difficulties.

The Commission also looked at the current effectiveness of teacher training and professional development not just for special educators, but also for all educators who work with students with disabilities.

The president believes in funding with reform.

For three straight years, President Bush has asked for three $1 billion increases in federal funding for IDEA. In contrast, President Clinton asked for total increases equaling $1.7 billion during his entire eight years in office.

This year's request is the largest of any president in history; $9.5 billion dollars.

That means the federal government will be spending an $1,400 for every child with a disability. The highest funding ever.

A majority of parents with children in special education (52%) agree that ''better programs and policies, not more money, is the best way to improve special education.''

Critics have attacked the issue of ''fully funding'' special education. But this is a twenty-five year-old attack.

Special education should not be treated as a separate cost system, and evaluations of spending must be based on all of the expenditures for the child, including the funds from general education.

As the President's Commission put it, ''Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Each special education need must be met using a school's comprehensive resources, not by relegating students to a separately funded program. Flexibility in the use of all educational funds, including those provided through IDEA, is essential.''

UNFUNDED MANDATES

Some critics charge that No Child Left Behind takes away local power and imposes unfunded mandates.

RECORD SPENDING AND A COMMITMENT TO SUCCESS

No Child Left Behind mandates only one thing: results for every child. The law ends the old days of ever-higher federal spending with no expectation or demand for better student achievement or wise use of taxpayer funds.

No Child Left Behind respects the rights of states to establish their own standards, align their curriculum to their standards, and assess whether or not students are meeting those standards.

Schools and school districts must be accountable for how they spend taxpayer funds.

States must improve schools, produce results, and ensure that every child learns.

And this law is amply funded. Democrats and Republicans passed a bill that combines record spending with a commitment to reform and results.

Fiscal Year 2003 funding for No Child Left Behind programs increased by more 36 percent over 2001, and 60 percent over 2000 levels.

This year America will spend more than $8,200 per student of which the federal contribution is now 8.4 percent.

Thanks to the record spending in No Child Left Behind, federal discretionary spending on education has more than doubled since 1996.

Spending without a plan, without accountability, without studying what works, without setting standards or expectations is a mandate of sorts—a mandate to fail every time.

No Child Left Behind provides record spending—the highest spending per child ever. That federal money is meant to supplement and boost state and local spending, ensuring that all children receive a world-class education.

Educators can spend the money more freely than ever before, but they cannot waste taxpayer money on programs that don't work. That's why the bill measures every child's progress with tests and gives every parent report cards on how their school is doing.

According to a new study from the National Bureau of Economic Research, the average cost of testing is just $5.81 per student—just a tiny fraction of the $8,200 spent per student.

Total spending on all testing is a mere seven-hundredths of one percent (.07 percent) of the cost of K–12 education.

In addition, No Child Left Behind provides full funding for the development and implementation of the new assessments required by the law by requesting $390 million this year—$3 million higher than the year before.

SUPPORTING SUCCESS

President Bush has done more than support record spending levels. His administration—for the first time in history—is focusing federal money on programs that work as well as ensuring that old programs show results.

As part of that leadership, the president's budget sets up top priorities such as special education, help for the disadvantaged (Title I), and the Reading First program, which supports solid scientifically based reading instruction.

The increases and record spending to programs such as Title I (for disadvantaged children) and special education were made possible by courageous leadership.

In the past the federal government has consistently increased spending, but it has never demanded that taxpayers get a return on their investments.

Using new measures of programs and a culture of accountability the No Child Left Behind Act provides the information and options to parents to improve the future of children in schools receiving Title I funds.

In the past, disadvantaged children had no options when they were trapped in low-performing schools. Now, portions of Title I funding can be used to send students to after-school classes, tutoring, even to a new, better performing school.

This is a solution proven to work: Get children into better learning environments to raise their academic performance. It's also why the president is requesting, and this subcommittee is recommending, $12.4 billion for Title I—the highest spending ever.

New programs and budget priorities will also help prevent many children from needing special education help.

Of the 6.5 million children in special education, half of those who are in special education are identified as having a ''specific learning disability.'' In fact, this group has grown over 300% since 1976.

Of those with ''specific learning disabilities,'' 80% are there because they haven't learned how to read. We must change that by promoting solid curricula, good teachers, and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled mentally retarded and placed in special education.

That's why the 2004 budget and the subcommittee bill increase spending on Reading First from $1.068 billion to $1.150 billion. From that total, Early Reading First is set to get a $25.5 million increase. These two programs teach reading and literacy skills using scientifically backed research. Such instruction and curricula will help held off the reading problems that lead so many children to special education.

All this supplements No Child Left Behind's requirement that all federal funds be directed to programs reflecting scientific backed curricula and instruction methods.

Of course, to increase spending on vital programs that serve millions of children is a challenge for fiscally responsible leaders. It often means ending programs that have no track record of success or inefficiently serve too few children.

TITLE I

In 2004, President Bush's Title I funding request for disadvantaged students will provide yet another increase to record levels.

HOW PRESIDENT BUSH FIGHTS FOR TITLE I:

The president recognizes that the Title I program is at the very heart of both the federal investment in improving elementary and secondary education and the reforms called for in the No Child Left Behind Act.

Building on last year's historic increase, the president has requested and the subcommittee has approved $12.4 billion in 2004, which will result in a $4.4 billion increase since 2000—a 55% increase!

This means more than 15 million students in more than 46,000 schools will receive Title I services.

In his first three years, President Bush and the Republican Congress have sought double the support for Title I that President Clinton sought in his previous eight budget requests.

MORE THAN MONEY: REAL HELP FOR THE DISADVANTAGED

Real leadership means ensuring programs help children, not just spend more money.

No Child Left Behind converts the Title I program from a system of reckless spending to a structure of accountability for finance and results.

President Bush has proposed boosting spending on Title I to over $12 billion annually—but for the additional funding, he expects clear results. States are required to develop standards in math and reading for grades 3–8, with annual assessments tied to these standards.

Title I was one of the federal government's first major education programs. It was intended to help individual children from low-income homes achieve. No Child Left Behind focuses the money back on high poverty schools to help children in those schools improve their academic performance.

Fro 38 years and with nearly $160 billion, Title I has not fulfilled its purpose of boosting academic performance.

A lack of accountability and a lack of research-based education methods left Title I efforts with few results to show. In recent decades, the achievement gap between disadvantaged children and their higher-performing, more affluent peers, has remained wide, and in some case, has grown wider still.

Under No Child Left Behind student performance will be monitored and the results will matter.

All schools must meet adequate yearly progress (AYP) objectives for all the students they serve—regardless of a child's race or socioeconomic status.

The 12-year goal of No Child Left Behind is teach every child and live up to the vision first dreamt when title I was begun.

HIGHER EDUCATION

Pell Grants are maintained at $4,050 for the maximum award. This is the highest level in the program's history.

This latest proposed increase will also continue to retire a shortfall related to the 2002–2003 award year while maintaining support for nearly 4.9 million low and middle-income students—one million more students since 2001.

The bill continues its commitment to disadvantaged students includes increased funding overall for HBCUs and HISs that strengthen institutions that serve high proportions of minority and disadvantaged students.

An increase of $10.1 million (4.7 percent) for Historically Black Colleges and Universities (HBCUs).

A $1.2 million increase (1.3 percent) for Hispanic-serving Institutions (HSIs).

Supplemental Educational Opportunity Grants (SEOG) are maintained at $760 million, which would leverage nearly $200 million in institutional matching funds to make a total of $960 million available in grants to an estimated 1.2 million recipients.

Work-Study is maintained at $1.01 billion to help 1.1 million needy students pay for college through part-time work on campus or in the community.

The Education Department waives the 25 percent match requirement for students employed as reading or math tutors.

The president's budget allows for more than $1 billion in new low-interest loans to be made to needy students qualifying under the Perkins Loan program, and continues a $99 million capital contribution to a revolving fund that has grown to a sustainable size—more than $7.2 billion—over its 40-year history.

Repayments of existing loans into federal revolving funds held at institutions will continue to support more than $1 billion in new Perkins Loans each year.

PELL GRANTS

Pell Grants give low- and middle-income students greater access to college.

Nearly 4.9 million students will receive Pell Grants in 2004.

Pell Grants because they provide millions of students with the freedom and opportunity to go to college.

In just two years (2000–2002), the number of Pell recipients has surged 25 percent!

The program is a perfect example of a need-based program meant to open doors and provide equality of education opportunity: The poorer the student, the larger the award.

Pell Grants show how freedom of choice in education works to help students and keep America competitive.

Pell Grants are an example of the federal government enabling school choice for millions of Americans. Students can use their Pell Grants at public or private schools. They can even use them to attend religious schools.

Real choice for students is one reason that this country's higher education system is the envy of the world.

Mr. OBEY. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, we come together all right when we have good bills to come together on, but this bill is a turkey, and that is why on this occasion we are not for it.

I will also be inserting in the CONGRESSIONAL RECORD when we get into the full House several charts which relate to what the gentleman just said that demonstrate the error of his ways.

I would also point out to the gentleman, he is factually incorrect if he says that this bill was earmarked when the Democrats were in control. There were no earmarks whatsoever. In fact, Bill Natcher, the last Democratic chairman of this subcommittee, prided himself on not having any earmarks.

With respect to the subcommittee that I chaired for foreign operations, there were no earmarks in the foreign operations bill when I chaired that subcommittee either.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I think the theme of this particular bill seems to be ''promises made and promises broken.'' The fact of the matter is that this theme is true with respect to K through 12 education, where President Bush's own education bill, the No Child Left Behind bill, the promise was a deal. The deal was that there would be more accountability and more requirements in there that would be imposed or mandated on local communities to meet that cost, and, in return, the Federal Government would step up to the plate and put some more resources towards meeting those mandates.

The broken part of the promise, of course, is this appropriations bill is $8 billion short on the promised full funding. Yes, it is a little over 1 percent more than the current funding, but that is essentially a freeze when you consider the increased number of students involved and the inflationary factor.

The fact of the matter is it does not at all address the increased mandates of local communities to meet the requirements in that bill.

This theme is also true with respect to IDEA, the Individuals with Disabilities Education Act, the promise of over 25 years ago that the Federal Government would try to come up with 40 percent of the excess cost of educating a child with disabilities. Now, we know that that high cost for a free and appropriate education of disabled students was not being met by the States, and the Federal Government stepped forward with that promise. The States now have relied on that promise. In 2004, 6.4 million 3- to 21-year-olds depend in part on the Federal Government to step forward and help out.

Promise number two in the area of IDEA is in 1994 the Republicans in their Contract on America said they would fully fund IDEA, but both of these promises have been broken. Both the 25-year-old goal and the decade-old political statement have not been met.

The third promise is the majority's 2004 budget resolution. It promised an increase of $2.2 billion over the last year's grants for school districts.

Another promise was the majority's reauthorization bill passed in April, again promising an additional $2.2 billion for IDEA.

The fact of the matter is this appropriations bill falls $1.2 billion short on IDEA. Under the Republican plan, the State of Massachusetts will lose over $29 million on grants that it otherwise would have gotten if the authorization bill's goals were met.

But that is the way it is, Mr. Chairman, with this House. The majority says when it comes to giving tax cuts to millionaires, they can take the check to the bank; but when it comes to funding educational needs for children and their families, that check is written in disappearing ink.

When it comes to millionaires getting a break, deficits do not seem to matter; but when it comes to funding education for disabled kids in Massachusetts and throughout this country, deficits all of a sudden do seem to matter, and there is no money left to help.

The gentleman from Wisconsin (Mr. OBEY) offered an amendment to just make those millionaire tax cuts a few thousand dollars less so we could meet this obligation and add that $1.2 billion back into IDEA, but the majority voted it down in committee. Yesterday the Committee on Rules made sure we could not debate it on the floor of the House.

So, in this body millionaires get the huge tax cuts they make, they do not have any shared sacrifice, they do not offer back to help out, but families and children and school districts, they do not get it. They get the check written in disappearing ink.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to lend my support for the 2004 Labor-HHS appropriations bill. Much has been said today by those in opposition to the bill regarding the lack of aid to social projects and education, and the reason I wanted to come down here today is to call special attention to one program that has been given significant increases, and that has to do with mentoring. Those dollars have gone from practically zero a year ago to a significant amount. As a matter of fact, those mentoring programs have been funded by an increase of roughly 300 percent this year.

This is very important. The reason I think this is important is to realize that over the last 10 years, we have spent an additional $80 billion on education. That is both Republicans and Democrats. We have increased it $80 billion. We have seen no increase in the level of test scores, we have seen no improvement in drop-out rates.

□ 1230

So just spending large amounts of money does not fix the problem.

One of the things that has happened here is we have seen a tremendous increase in social pathology. We have more and more kids who go to school each day who are so troubled by their environment and their home life that they cannot really learn anything because they cannot focus. So mentoring

is one thing that does work. There are statistics and research that indicates this, that mentoring significantly reduces dropout rates, cuts drug abuse by roughly 50 percent, absenteeism from school by roughly 50 percent, teenage pregnancy by 30, 40 percent, violent behavior by 30 percent. It improves graduation rates, personal hygiene, and relationships with peers and with parents. It costs about $300 to $500 a year to run a good mentoring program per student. It costs about $30,000 a year to lock somebody up. Somebody addicted to meth will cost probably roughly $50,000 to $100,000 for a community, because they are going to commit 60 crimes a year, on the average. So we feel that this is very cost effective. This money will come back to society many times over.

So I would like to thank the President for his interest, as well as the gentleman from Ohio (Chairman BOEHNER) for his interest in mentoring, and the gentleman from Wisconsin (Mr. OBEY) for his help, and particularly the gentleman from Ohio (Chairman REGULA), because as I have found the chairman, he has been very fair. He has listened very carefully. He does care about children. He cares about education. He has a difficult balancing act to perform and has done it, I think, with great effectiveness. I just wanted to come down here and thank the chairman. I appreciate it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation because it abandons our commitment, our common commitment to affordable college education for American families; and it abandons those values which guide us towards that commitment.

Just last month, unemployment rose to 6.4 percent, the highest in 9 years. America's working-class and middle-class families are struggling to make ends meet; and yet college tuition is skyrocketing in this country. Double-digit tuition increases are a standard at public universities, with these costs rising by more than 20 percent in some States.

The solution in this bill to these trends of rising unemployment and increasingly unaffordable college education is to freeze all student aid for the first time in 6 years. The value of the Pell grant, the biggest and largest Federal college assistance program and other student financial aid programs, actually decreases under this bill. It does not even adjust for inflation or counteract sharply-rising college tuition costs.

I believe that this bill runs counter to the values that Members on both sides of the aisle share. I know I have talked to Members on the other side of the aisle who have expressed the importance of college education. We would not be here in this Chamber if it were not for the importance that college education provided us to move and achieve for us and for our families the American Dream.

We tell our constituents that they should have to take out a second mortgage on their homes or burden their children with increasing amounts of debt to just make college education accessible. Now, I remember a family I met, a police officer and a spouse, a teacher in a parochial school. They had two kids in high school. They looked at me and they said they had no idea how they were going to pay for college education for their kids who wanted to go to a public university. I was running for Congress and I told them about the tuition deduction which ends in 2005, their ability to deduct $4,000 from their taxes. I told them about other availabilities of States programs.

Now, we have talked on both sides of the aisle. We are all here because of the importance we put on higher education. We know it is the door which every American middle-class family or low-income family walks through so they can achieve for themselves and their families the American Dream. This bill is in violation of our common values and the principles that we hold true, that a higher education is the key to America. We should not convince middle-class families of the importance of college education and then place it out of reach for them. The only guarantee that that parent has is to take a second mortgage on their house. The only guarantee we provide is that child graduates from college with $30,000 or $40,000 or $50,000 in debt as they begin the new adventure of their endeavors in life. According to the Advisory Committee on Student Financial Assistance, 48 percent of qualified, low- to moderate-income students from high school do not go to 4-year colleges because of financial barriers.

I believe, and I have talked to Members on the other side of the aisle, that this bill violates our fundamental commitment to make sure that college education is there for middle-class families by walking away from the commitment to make sure that college assistance is here today, there tomorrow, so they can go to college and achieve for themselves and their children what we are here doing for ourselves and our children.

Mr. REGULA. Mr. Chairman, I want to say first, before yielding to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, that his committee is looking at all of these programs to find which of those are working well and is providing reforms that will make them work even better, and I think that is an important element of what we are doing today.

Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I want to thank the dean of our Ohio delegation, the gentleman from Ohio (Mr. REGULA), for yielding me this time. Let me thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their efforts in bringing this bill to the floor today. We all know this is a difficult bill. There are a lot of competing interests in this bill, and it is never easy; but they have done a good job.

There has been a lot of discussion here about the fact that this ought to be bigger. But not only did we, the Congress, support a tax cut for the American people, we also supported a $20 billion increase in discretionary spending. And the fact is, we are spending more. Our job as Members of Congress is to make decisions, decisions about where the resources that we get from our taxpayers, where those resources ought to go. For a while, in the late 1990s, revenues were flowing to the Federal Government at unprecedented rates, and we did not have to make as difficult choices as we do today, given the fact that we are in a recession and given the fact that we have been the subject of a serious terrorist attack. So we are making decisions.

But when it comes to the education issues that we fund in this bill, we all know when we passed the No Child Left Behind Act that we were going to make a serious commitment to improve all of America's schools, especially the neediest of America's schools. We know the problems that are there; and in a bipartisan way, this House and this Congress and the President worked to put in place a reform effort. And for the first time in the 37 years that the Federal Government has been involved in our local schools, we have all States in compliance with the Federal law. This never happened before. All 50 States have set their accountability plans to Washington and all 50 States, and the District of Columbia and Puerto Rico, have had their plans approved. This is a major accomplishment on the part of the Congress and the administration to start the accountability process in a serious way.

We also said when we passed that bill that we would increase our funding to our local schools. Under the bill we have before us, title I gets $666 million in new money. Now, this is in addition to the money that we have given over the last 3 years. If we look at the last 3 years under President Bush, the increases in title I were greater than the increases in title I during 7 years of President Clinton.

Now, we can argue about whether it is enough, whether it is too much; but the fact is that we stepped up to the plate to help the neediest of our students, because title I money goes to poor children and goes to poor schools. I think that we have done our job, and we need to stay at it. We need to keep working to increase these amounts. But we have to understand that this $666 million increase is on top of the

$1.2 billion increase last year and a $1.3 billion increase the year before.

Let us talk about special needs children, individuals with disabilities and education. Since 1995, the Congress has increased our grants to local schools by 300 percent. In this bill we add another $1 billion of funding to help meet our commitments. Now, we can have a partisan debate about who is doing the most for education, but when Republicans took control of Congress in 1995, the Federal commitment to IDEA was 5 percent of the cost, 5 percent. With the passage of this bill, we will be up to 18.7 percent of the cost of IDEA, and it is based on a much greater number of special ed children today than what we were talking about in 1995, a 300 percent increase.

Also in the bill that we have before us, we move the reading grant for Reading First and Early Reading to $1.15 billion. Now, this is again a 300 percent increase over where we were just 3 years ago in terms of our commitment to help children in kindergarten through third grade and even younger in the earlier grant money to help them have a chance at being able to read by the end of the third grade.

Charter schools in this bill will get an increase of $71.5 million, another significant increase, made up of $220 million of money for start-up and planning for new charter schools, and $75 million worth of facility money, which will be leveraged into over $200 million worth of money to help plan facilities. There is another $885 million in this bill, an increase, to do Pell grants.

We all know, especially the speaker that spoke before, of the increasing challenge that this Congress has to meet our commitments under the Higher Education Act, to provide more access for the neediest of our students who are able and want to go to college. The more we work to increase access, the harder it becomes because the cost of tuition and fees at our colleges and universities continues to outstrip inflation by a rate of two to three times the inflation rate, causing us increasing problems. As we reauthorize the Higher Education Act, as we go through the balance of this year and next, we will continue to look at what we can do to ensure that the children have better access.

Head Start gets an increase here of $148 million of new money. But overall, spending on discretionary education programs in this bill increases by $2.3 billion. Mr. Chairman, $2.3 billion, that is real money on top of the money we are spending, bringing the total to some $55.4 billion that we are committing in this bill to discretionary education programs. This does not include the cost of student loans and mandatory spending programs, but $55.4 billion worth of discretionary money. I just think that if we look at over the last 3 years since President Bush has taken office, that is an increase of $13.2 billion of real money, trying to help improve our schools and to ensure that every child in America gets a chance at a good education, because without one, they will have no chance at a shot at the American Dream. We need to support this bill.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me simply correct several of the impressions left by the previous speaker.

I want to congratulate the Republican Party. I will readily admit that they have changed somewhat since they took over in 1995. When they took over in 1995, they wanted to cut the guts out of education funding, and they wanted to abolish the Department of Education. They have become somewhat more civilized since that time. But they are still producing appropriation bills that do not meet the promise of their authorizations and do not meet the promise of their budget resolutions. That is obvious.

With respect to title I, the fact is that between fiscal year 2001 and 2003, the Bush administration requested a total increase of $1.3 billion for title I, only 44 percent of the total $2.9 billion increase eventually provided by the Congress, one House of which is under Democratic control. On Pell Grants, if House Republicans had had their way, the Pell Grant maximum award would have been cut between fiscal year 1996 and fiscal year 2003 by a net total of $530 below the final levels enacted into law.

So let me simply say those are the facts with respect to the past. But the past, in my view, is not quite as important as the future; and I would simply say that today it is very simple: Do we want to use $6 billion to guarantee that people who make more than $1 million a year will get an $88,000 tax cut, or do we want to limit their tax cut to $44,000 so we can move $6 billion into education and into health care, most of which will go to protect the health care of children?

□ 1245

That is the issue that is before us, not yesterday, but today; and when the votes are counted, we will see where each party stands.

REPUBLICAN RECORD ON PELL GRANTS

If House Republicans had had their way, the Pell Grant maximum award would have been cut between FY 1996 and FY 2003 by a net total of $530 below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill cut President Clinton's request for a $2,620 maximum Pell Grant by $180 to $2,440. The Republican bill provided $30 less than the $2,470 maximum grant provided in the final LHHS bill.

In FY 1997, House Republicans again cut President Clinton's request for a $2,700 maximum Pell Grant by $200 to $2,500. The Pell Grant award level in the House Republican LHHS bill was $200 less than the final $2,700 maximum award approved in the LHHS conference agreement.

In FY 1998, a bipartisan House-passed LHHS bill provided a $3,000 maximum Pell Grant level. This amount, secured by Democrats, provided a $300 or 11 percent increase over the previous year, and was later enacted into law.

In FY 1999, the House Republican LHHS bill provided a token $25 more than the final conference level of $3,125 for the maximum Pell Grant.

In FY 2000, the House Republican LHHS bill provided $3,275 for the maximum Pell Grant, $25 less than the $3,300 maximum Pell Grant approved in the final conference agreement supported by Democrats.

In FY 2001, the House Republican LHHS bill included $3,500 for the maximum Pell award—$250 less than the $3,750 secured by House Democrats in conference. The final level secured by Democrats provided a $450 increase over the previous year and was the largest Pell Grant increase in more than 25 years.

In FY 2002—a bipartisan year—Republicans agreed with Democrats to raise the maximum Pell Grant to $4,000, an increase of $250 over the previous year. This level was enacted into law.

In FY 2003, the Republican LHHS bill introduced by Chairman REGULA accepted the President Bush's proposal to freeze the maximum grant at $4,000. The bill provided $50 less than the $4,050 level ultimately approved in the FY 2003 omnibus appropriations bill.

PELL GRANT PROGRAM—MAXIMUM AWARD

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	2,620	2,440	2,470	−180	−30
FY 1997	2,700	2,500	2,700	−200	−200
FY 1998 [1]	3,000	3,000	3,000	0	0
FY 1999	3,100	3,150	3,125	50	25
FY 2000	3,250	3,275	3,300	25	−25
FY 2001	3,500	3,500	3,750	0	−250
FY 2002 [1]	3,850	4,000	4,000	150	0
FY 2003	4,000	4,000	4,050	0	−50
FY 1996–2003				−155	−530
FY 2004	4,000	4,050	na	50	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

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

Mrs. LOWEY. Mr. Chairman, I rise today reluctantly in opposition to the 2004 Labor-Health and Human Services bill because I know how much our chairman, the gentleman from Ohio (Mr. REGULA), really cares about these issues and how he is committed to these issues. And I also want to express my appreciation to the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY). They are all men of great principle and fairness. I enjoy serving with them, and I do respect them.

However, I am really disappointed that this process operated under terms and with restraints for the gentleman from Ohio (Chairman REGULA) that do not do justice to the millions of Americans whose lives are improved by the programs funded in this bill. For example, one would hope that students attending college could count on greater support from the Federal Government during these hard times, but with this bill they will not be able to. The maximum Pell grant is frozen at 4,050. Not only have House Republicans consistently neglected the Pell grant, but it is important for us all to remember that when the program was started in 1975, Pell grants paid about 84 percent of college costs. It now pays only about 38 percent of college costs. And under the Republican bill, funding for the four campus-based aid programs, Supplemental Education Opportunity Grant, College Work Study, Leveraging Educational Assistant Partnership, LEAP, and Perkins Loans Program, are also level-funded.

The average student loan debt has nearly doubled in the last 5 years. Last year the average undergraduate borrower left school with nearly $17,000 in debt due to Federal student loans. With nearly 64 percent of students depending on student loans, and that percentage is sure to grow during this time of economic hardship, how can we in good conscience not increase funding for the very programs that encourage States to implement need-based aid?

In New York, the State and city university systems are on the cusp of instituting massive tuition increases, and they are not alone in their struggle to make up for faltering State budgets and decreased philanthropy. Colleges across the country are hiking tuition by record levels, including colleges and universities in Texas, Iowa, Missouri, and Massachusetts.

And let us not forget, we have to couple the lack of college funding assistance in this Labor-HHS bill with the administration's recently announced regulation change that would decrease college loans for millions of students and their families. Nationwide under the Bush regulations, 84,000 students would lose Pell grant eligibility altogether, and millions more would lose some Federal assistance. It really was a shame that we could not have corrected that in this bill.

I will give you an example. I visit the community colleges and the 4-year colleges in my district all the time.

For example:

A family of four living in New Jersey with one child in college, attending full time, would have to pay about $100 more toward college expenses; and

A family in New York with $45,000 combined income, one child attending college full time, would have to pay about $300 more toward college expenses.

During Committee consideration of the Labor HHS, we had an opportunity to put the breaks on the Bush proposal. But, and I think it's important for America's hardworking families and dedicated students to know, Committee Republicans rejected that attempt.

In pointing out the problems with this bill, I do not fault either of the chairmen. They had a bad set of parameters to work with. But the 2.9 million graduating high school students, the 5 million Pell Grant recipients, and the millions of Americans who rely on the student aid programs to make attending college a reality deserve more. And the Democratic substitute would have done just that!

I urge my colleagues to vote against the Republican Labor HHS bill.

Let us hope that we can correct this bill and work together as the bill comes back from the Senate and reach the level that I know our chairman and our ranking member and all of us really want to achieve. I thank the gentleman again for working so closely with us.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to comment that in the last 8 years we have doubled Pell grants, and I will also add that we have added $885 million this year. The reason the maximum has stayed stable is that more people are taking advantage of it, and that is good. That is a positive thing. As a naval veteran, I am a product of the GI bill, and I realize how very important these opportunities are. And I would like to do more, but I think we have done a good job, considering the resources that are available.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me time. I rise in support of this bill, and I rise particularly to support the funding for diabetes prevention and control activities that are contained in it.

As the cochairman of the Diabetes Caucus in the House, I believe that increased funding for these programs is of utmost importance, and I thank the committee for its attention to the issue of diabetes. This bill increases funding for NIDDK over the last year's level by $47 million and increases funding at the CDC by $300 million over last year's level.

The progress made to date with this money that has already been appropriated by the House is very impressive, and I want to emphasize to the chairman and the Members that clinical trials involving the transplantation of insulin-producing cells into individuals with Type I diabetes has brought us within reach of a cure. Of the approximately 200 patients who have received these transplants, 160 of them no longer need to take insulin. If you are involved at all with diabetes, you know how significant this is. It is a life-saving event.

So as we consider the bill, I know there are some upcoming initiatives that we need to emphasize, and they will be very important in the prevention of diabetes in America, and in turn they will save taxpayers' dollars.

On March 31, 2003, the Department of Health and Human Services announced that the Department would be launching a diabetes detection initiative. The goal of the initiative is to encourage people at risk with diabetes to get tested and to refer those who test positive for a follow-up. About 6 million people in this country have diabetes, but they just do not know it. So by supporting this initiative in the future, the committee and the House can help these people avoid the devastating complications of diabetes, because they are so much a part of the Medicare cost that we face in this country.

I have been working to develop a national diabetes strategic plan with the American Diabetes Association and the Office of the Surgeon General along with former Speaker Newt Gingrich, who has been a leader in this effort to bring a cure to diabetes, and the details on this announcement will be made later in the coming months, but it is very exciting, the initiatives that are out there. The committee has an excellent record on diabetes prevention funding, and I am certain that the needs of these meritorious programs will be recognized as we go to conference on this measure.

I thank the gentleman from Florida (Chairman YOUNG) for his good work.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), the ranking member of the Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today's education funding bill completely ignores the reality facing the neediest of our college students today. College costs are rising dramatically over the last 10 years. College tuition is up 38 percent, and the buying power of the Pell grant is at an historical low. Due to the sour economy, State legislatures have dramatically reduced their support for a postsecondary education as they seek to balance State budgets. Charitable giving, alumni support and endowments are down.

How has all of this affected our students? Students, especially the neediest students, are literally being denied a postsecondary education because

they do not have the resources to pay for college. According to the Advisory Committee on Student Financial Assistance, nearly one-half of all college-qualified, low- and moderate-income graduates will be unable to attend a 4-year college due to rising costs. Nearly 170,000 students will be unable to attend any postsecondary institution.

As a member of the Committee on Education and the Workforce and the ranking member of the Subcommittee on 21st Century Competitiveness, I have heard from countless numbers of students and student associations on their need for relief, but here on this floor the Republican response to the financial difficulties of students is to freeze the maximum Pell grant.

We have passed tax cuts that have benefited the wealthiest of Americans. Those within incomes of $1 million receive an $88,000 tax cut, and student aid was frozen. This is a terrible priority. We cannot provide the $5,800 maximum authorized Pell grant to our students because we prioritize those tax cuts over the needs of students. Are we now asking the neediest students to walk across town to those who got an $88,000 tax cut and plead for help in going to college?

What is really happening to our country? We are better people than that.

The entire increase in Pell grants during the Bush administration is less than the increase made in Pell in the last year of the Clinton administration. Clearly financial access to a postsecondary education has not been a priority for this administration. Freezing Pell grants at a time when more and more individuals are seeking retraining and education due to the sour economy sets us back as we struggle to come out of this economic recession.

Rather than passing another tax cut for the wealthiest in our Nation, we should defeat this bill on the floor. Instead of passing this legislation, we should significantly increase funding for Pell grants and other critical education priorities.

When I was growing up, my dad had to pick one of his five children to go to college, one of the five. Although my brothers and sisters were qualified, he had to pick one. Are we returning to those days when those choices had to be made?

Mr. REGULA. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 16 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 46 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

We hear on the Pell grant, I want to point out something, and that is that in the last 2 years, the numbers have increased 25 percent. So even though the level which we have increased substantially in the last 6 or 8 years was the same this year, it is because we wanted to give more students a chance. We have increased the total amount by $880 million that will be available for Pell grants, but there are so many more, and that is good. I like to see more and more students gets involved and use this service, but it makes it a tough budgeting situation. At least that is the reason that we have gotten to the situation we are in.

Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON), a member of the committee.

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me time and the great work he has done on this, the most difficult, I believe, of the appropriation bills.

We have continually heard today during this debate that 302(b) allocations were insufficient or inadequate, and, consequently, we do not have enough money to spend on this appropriation, and it is all due to the tax cuts.

If I remember correctly, during the debate on tax cuts, we could not do those tax cuts because of the increase that they would cause in the deficit. And now we see the truth. They were never concerned about the increase in the deficit. They were concerned that there would not be enough money to spend on the variety of programs that they want to spend money on.

Well, the distinguished minority whip said that we cannot wash our hands, like Pontius Pilate, of the debate on the deficit and the tax cuts and on the budgets because they are all interrelated, and he is absolutely right.

There is one thing that should be clear from the past decade. We cannot raise taxes enough to eliminate the deficit that has occurred. Another thing should be clear is that we cannot cut spending enough to eliminate the deficit that has occurred.

The only way to eliminate the deficit is to have a growing economy. We learned that in the 1990s. The only way to have the resources to spend on the programs that today you complain about as being inadequately funded is to have a growing economy. And we on this side of the aisle believe that one way to help that economy is to stimulate it by reducing taxes to put more money into people's pockets to grow the economy. That is why we supported the tax cuts, not because we care more about millionaires than we care about children or anything else. It is so in the future, in the long term, we have the resources for these programs that we all believe are vitally important.

Yet, in spite of the economy, we have produced a bill which continues the improvements we have made in education and health funding over the past 8 years.

Now, the gentleman from Wisconsin (Mr. OBEY) continually says, and quite emphatically, that the only reason we have been able to increase the funding for education or double it over the last 8 years is because he brought us across the line kicking and screaming. And I guess that may be true. I do not know. I have not been here 8 years. All I want to know is who was he bringing across the line kicking and screaming when his party controlled the House, the Senate and the White House? I am not sure who was doing the kicking and screaming, but you have been much more successful with our party than you were with your own party.

□ 1300

The distinguished minority leader last year on the debate on the rule went through a litany of programs in education and health that were cut. What the distinguished minority leader did not say is that in each and every one of those programs that she mentioned, I believe every one of them, there is actually an increase in spending. She was talking about a decrease from the authorized level, and I do not know of hardly any program in the Federal Government that is actually funded at the authorized level. Yet we have continued to improve funding for these programs.

As an example, in special education grants, $1 billion more than last year. That is not a cut. In Title I, $660 million above last year. That is not a cut. Improved teacher quality, $49.4 million. For transition to teaching to assist eligible members of the Armed Forces and midcareer professionals to obtain certification of teachers, $2.93 billion, an $81 million increase above the budget request for professional development. Math and science partnerships are funded at $150 million, an increase of $50 million. That is not a cut. In Impact Aid, $1.238 billion, $50 million over last year's level. That is not a cut. In Head Start, $148 million over last year's level. That is not a cut.

The list goes on and on. Only in Washington, D.C., can an increase in spending be considered a cut. This is a good bill, and I compliment the chairman for his work on it.

Mr. OBEY. Madam Chairman, I yield myself 1 minute.

I plead absolutely fully guilty to wanting to spend more money to invest in education and to spend more money so we can guarantee that poor kids are not knocked off Medicaid and SCHIP programs so that they have some health care when they need to be seen by a doctor. Fully Guilty!

I also plead fully guilty to wanting to spend more money for NIH so we can deal with the ravages of cancer, heart disease, Lou Gehrig's disease and the like.

One example: a year ago my brother-in-law was diagnosed with terminal pancreas cancer, 1 year ago. He is still alive because he is lucky enough to have gotten into a clinical trial, and they found a drug that seems to be working for him. I plead fully guilty to wanting to add a lot more money to the Federal budget so that a lot more people can be as lucky as he is.

Madam Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia.

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Chairman, I rise in opposition to the Labor, Health and Human Services and Education appropriations bill for fiscal year 2004. This legislation, if passed and signed into law, will be a setback to one of the great American ideals of equal access to a quality public education.

It was once said that ''Education is the great equalizer in a democratic society, and if people are not given access to a quality education, then what we are doing is creating an underclass of people who will ultimately challenge our very way of life.''

This quote has never been more meaningful and poignant than today, as we are poised to do just that: create an underclass of people.

A year and a half ago, this Congress stood with President Bush and our House and Senate education leaders, to pass a bill which would redefine our education system and strive to ''leave no child behind.''

Just two months ago, the Majority passed a conference report for the fiscal year 2004 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education and No Child Left Behind initiatives.

Unfortunately, this bill still underfunds No Child Left Behind by $8 billion dollars.

In other words, we are telling our schools that they must implement these reforms for greater accountability, but offering no additional resources to do so. In fact, we are doing the complete opposite of the intent of the No Child Left Behind law. We are leaving our children behind, our teachers behind and more importantly, letting the American people down by breaking yet another promise.

Unfortunately, there is not enough time in general debate for me to catalog every shortchange in this bill, such as National Institutes of Health funding, Individuals with Disabilities Education Act funding, bioterrorism preparedness funding, and failing to provide an increase for programs under the Nurse Reinvestment Act.

This bill is full of broken promises. We can attribute these broken promises to the fact that this Congress and our President gave to this country's wealthiest 1% massive tax cuts in a time of economic uncertainty.

While I am not pleased with the funding levels of several initiatives in this bill, I am pleased that my colleagues, Mr. OBEY and Mr. GEORGE MILLER are offering an amendment to correct a recent unfair Department of Labor proposal to eliminate overtime under the Fair Labor Standards Act.

This unfair proposal would affect thousands of workers in my congressional district who rely on overtime pay to help make ends meet.

This proposal will make it feasible for employers to reclassify workers as ''white collar'' employees, rendering them ineligible for overtime pay.

Some of these 8 million workers include police and firefighters, nurses and other First Responders, who would be the first line of defense in the event of a terrorist attack.

After these workers are reclassified and ineligible for overtime pay, they would still be required to work longer hours for less money, which is the real intent of this proposal.

The Obey-Miller amendment would prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

Brick by brick we are building the road to create an underclass of people.

Let us not break yet another promise to the American people.

I urge all my colleagues to vote in support of the Miller-Obey amendment to protect overtime pay and to vote against final passage so that this body may consider a bill that more adequately funds initiatives at the Departments of Labor, Health and Human Services and Education.

Mr. REGULA. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I rise today to talk about the role this plays in helping promote the culture of life, a culture that values and respects human life at every stage. I believe that we have a responsibility to protect innocent life whenever and wherever possible, and so I applaud and thank my colleague from Ohio, the chairman of the subcommittee, for including funding in this appropriations bill for the Promoting Safe and Stable Families program.

This program helps fund safe havens created by laws passed in 42 States that try to reach out to desperate and troubled parents. Too often we hear of infants who have been abandoned in trash bins and alleys and, much more tragically, killed.

Just this past week, there was a case in my home State of Minnesota where a mother decided to throw her twin infants over a bridge. We must reach out to these parents who are unwilling or unable to care for their infants and let them know that they can take care of their infants by taking them to a safe haven and leave them in the hands of those who will care for them and see that they are placed in loving families.

Let me be clear, safe havens are not a substitute for education and adoption, merely a last resort for desperate parents considering the unthinkable. Safe havens can help avert tragedy and preserve the most precious of all things, innocent human life, but these safe havens only work if those that need them are aware of them.

That is why I am sending a letter to the Secretary of Health and Human Services Thompson and to the GAO calling for a review of the safe havens to find out how much of the funding is being spent on raising the awareness of safe havens so we can make recommendations on how it can be expanded and improved.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), former chief school officer of his State.

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

Mr. ETHERIDGE. Madam Chairman, I thank the gentleman for yielding me the time.

Let me thank the chairman. I will say to him, I served as chairman of the committee on appropriations at the State level for 4 years, so I recognize the challenge he faces.

Budgets are about priorities, and I have strong oppositions to this bill because of the priorities that it sets out. I will vote against it. I do not like voting against appropriations bills, and I will urge my colleagues to do the same because of the draconian cuts that I see it places on education at the very time when we ought to be investing not less, but more in the future of this country and in our children and in our ability to compete in an international economy.

Last Congress, strong bipartisan majorities in this House and in the Senate voted to pass the President's No Child Left Behind legislation, and I joined in with that vote, but we promised to fund to the level of the authorization the moneys for the schools to meet their needs, and this bill is $8 billion short in that requirement.

As my ranking member has said, I am the only former chief serving in this Congress. I know what budget priorities are about, but I also know what happens in the schools when these cuts come. At a time when we are asking our schools to do more than ever, these educational cuts will destroy the morale of our teachers, parents and students. These educational cuts will make meeting the requirements we have almost impossible because we have set high standards for accountability. I think we should. Without the needed funding, though, No Child Left Behind is a massive unfunded mandate on our local communities and our State budgets at a time when States are struggling just to meet the funding needs.

In every State in this Nation, schools are currently working to determine how they will measure up to the Federal Education Department's definition of adequate yearly progress. Over the next several weeks and months, we are going to find out about that because they are going to be reporting in. Early estimates are there may be as many as 80 percent in some States that cannot meet AYP.

Plain and simple, these schools need that $8 billion to comply with these tough new educational reforms. The education cuts in this bill will make No Child Left Behind a cruel hoax on our schools and on our children.

This bill also fails to provide adequate funding for Impact Aid. Let me remind my colleagues, Impact Aid is the money we provide for those communities that have military bases that have men and women who are deployed or protecting our interests around the world. It is critical for those children in the military personnel. In my district alone, the communities that surround Fort Bragg and Pope Air Force Base, truly one of the important bases in this country, with many, many women deployed right now, the tax base is not there to meet the needs due to the Federal presence. These funds

provide flexible operating resources and finance teachers, books, computers and others.

Under this bill, North Carolina loses $16.8 million. We can do better. We must be better as our men are deployed in Iraq, Afghanistan, and Libya.

Under this bill, North Carolina will lose $16.8 million in Impact Aid below the level authorized. At the very time that states are under stress, we are cutting funding in some states.

As we continue to deploy our troops to Iraq, Afghanistan, Liberia and other hot spots throughout the world, we ought not to neglect the schools their children attend back here in the states.

Madam Chairman, I urge my colleagues to vote against this bad bill.

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

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Chairman, I want to thank the gentleman for yielding me time to talk about how this bill is woefully inadequate in funding biomedical research, especially Parkinson's research, which is near and dear to my heart, as I believe it is to many Members of this body.

Over the last 5 years, Congress took on the charge of doubling the NIH budget, and we accomplished that goal. It was a worthy goal. It still is a worthy goal because this added funding for NIH will help find cures and better treatments for some of the world's deadliest diseases. The bill will bring to a halt this progress that we have made in funding biomedical research.

There is just an increase of 2.5 percent, the smallest percentage increase in 18 years. It falls short of what is needed to just keep up with research inflation costs, which NIH estimates at 3.3 percent for the year 2004. So the bulk of the increased funding will go to these multiyear research projects that are in place, thereby leaving very little time and very little money for new research.

The bill provides only a 3.9 percent increase for Parkinson's disease, not enough to keep up with inflation and grant renewal costs, and definitely little or nothing left over for new or expanded research efforts.

Madam Chairman, we have heard that tax cuts are the answer to all of our problems, and now those tax cut chickens are coming home to roost. We do not have the resources to meet these research needs. We see research cuts, and I want to conclude there is not a Member of this body as a Congressman, but as a son, a father, a nephew, a friend, Parkinson's disease is known as the most uncommon common disease in our country. We cannot go more than four or five people in asking them a question, do they know anybody with Parkinson's disease, before we hear somebody who will say, yes, I know somebody, a friend, an uncle, a sister, somebody in my community that has Parkinson's disease. We know colleagues in this body that have Parkinson's disease. We ought to honor them and support Parkinson's disease research in the way that we can find a cure for this terrible disease.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Chairman, I thank my friend from Wisconsin for yielding me the time.

Madam Chairman, this body passed a resolution on June 10 recognizing two major advances in public health: the 50th anniversary of the discovery of the double helix structure of DNA, and the completion of the Human Genome Project. Good congratulatory words in this Congress, but as usual from around here, nothing to back it up.

The bill we are considering today provides funding for NIH barely sufficient to support existing research projects, much less any ground-breaking new research into avenues like gene therapy.

In a recent survey, taxpayers were asked what the Federal Government's major priorities should be. Public education, first. The public said medical research, second. Yet today we are considering a bill that underfunds both education and medical research.

Whom does Republican leadership report to? It is certainly not the American public. The bill's authors argued that this Congress has other priorities. It has chosen tax cuts for the wealthiest people in this country instead of research for cancer and Alzheimer's and ALS and MS and spinal cord injury. It has chosen to give a millionaire a tax cut of $93,000 instead of spending the money where Americans want it spent, on basic medical research.

The bill provides an increase today of only 2.5 percent for NIH, the smallest percentage increase in 18 years, in a sharp drop from what we have been doing the last several years. NIH estimates its spending on cancer research would only rise 3.7 percent, short of the 4.7 percent just necessary to stay even on what we are doing with cancer research. The number of grants for new research projects and renewals would increase by just two-tenths of 1 percent.

Is that what the American public asks for when it says its top two priorities are spending money on public education and spending money on medical research?

Madam Chairman, vote against this bill. Unfortunately, medical research seems to be an afterthought in this Congress.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished gentleman from Wisconsin for yielding me the time.

I know there has been a lot of hard work in trying to put together an appropriations bill that would deal with the neediest of our Nation, but we confront two, if you will, systemic crises in this country. We have a 6.2 percent unemployment rate, and it is increasing. The faces of the unemployed are not here in this body, and they cannot speak for themselves, but they are workers who made $100,000 a year and have children in college and mortgage payments, and they are those who are the chronically unemployed, who have never had a chance to work.

□ 1315

And yet this bill, instead of dealing forthrightly with their crisis, it cuts the community services block grant by $150.8 million. The cut will reduce services for the growing numbers of low-income working poor and the long-term unemployed.

The tax cut that was rendered just a few weeks ago for the rich does nothing to invest in this economy. In fact, economists have said that those who will receive a $90,000 tax cut will not invest in the economy, will not create jobs; but what they will do is to invest in themselves and make sure they have a big fat savings account.

As a member of the Select Committee on Homeland Security, I have advocated constantly, in addition, that we should invest in homeland security and provide the resources for our first responders and our neighborhoods. I have been asked the question: Are our neighborhoods safe in America? No, they are not. And here we are not providing the necessary resources to fund those neighborhood groups, those citizen corps, so that neighborhoods will be on the front line if there is a terrorist attack in the United States.

And in conjunction with that, rather than fund bioterrorism preparedness, the important research to be able to prevent bioterrorist attacks or to be able to ensure that more people's lives will be saved, we are cutting the resources for bioterrorism. That means, for example, that if someone decided to use a mosquito that had the West Nile virus, to use that as a bio weapon, who knows, we are still unprepared in our communities.

Madam Chairman, I wish we could have a bill we all could vote for. I ask my colleagues to enthusiastically vote ''no'' on this legislation.

Madam Chairman, I rise today to express my disappointment at the failure of the Republican Party to adequately fund vital programs in H.R. 2657, the Labor, HHS, Education, and Related Agencies Appropriations Act for fiscal year 2004.

Madam Chairman, we have failed our Nation. The Labor-HHS-Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken

on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our Nation's schools and fails to live up to the many promises made by the Republican Party.

When the ''Leave No Child Behind'' legislation was passed we all believed we were committed in a bipartisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its fiscal year 2004 budget resolution to provide a ''$3 billion increase from the previous year for the Department of Education.'' Despite that promise, the H.R. 2675 bill provides only a $2.3 billion increase over fiscal year 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's fiscal year 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the committee's action is that this bill falls $334 million short of the majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the fiscal year 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30 on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million schoolchildren. Consequently, other education programs will have to be reduced or local taxes will have to be raised to make up the funds.

Perhaps the biggest broken promise by the Republican Party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican Party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the fiscal year 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past 2 years, only eight States in our Union are not facing a severe budget crisis. The declining State fiscal crisis has forced States to make huge cuts in the budgets of public colleges and universities. When States make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, Federal health care is even more crucial to our communities.

Additionally, the State fiscal crises are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help States and localities provide basic public health services.

The majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Madam Chairman, H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The majority party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The majority party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the majority party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

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

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Chairman, I thank the gentleman from Wisconsin for yielding me this time.

A few years ago, a friend of mine that I went to law school with called and told me that his 4-year-old son had been diagnosed with leukemia. He and his wife were obviously devastated by this news. They wondered what life would be like if this precious little boy were to be taken from their lives. That little boy will start third grade next September, in large part because of the huge advances that have been made in health care, in pharmaceutical products, and largely underwritten by the National Institutes of Health, an organization that has had bipartisan support in this body for a very long time.

How can we justify shutting down this miracle factory by increasing its funding by only 2½ percent, barely enough to keep up with inflation? What choice are we making by doing this? How could we pay for a more robust increase?

Here is what we could do. If we increase NIH funding to keep in line with what has been done by bipartisan majorities in the last 10 years, a 7 or 8 or 9 or 10 percent increase, we would have to reduce the tax cut this way: for every $1,000 worth of tax cut, we would have to take away $20. So we could still take the person with the $1,000 tax cut and make it $980 and keep the NIH doing the research, continuing the progress it has made so that more parents could hear the good news that their little son or daughter is in remission.

What an unwise choice. What a profoundly reckless judgment is being made in this bill. I would urge opposition to this bill for this reason, among many others.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

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

Ms. KILPATRICK. Madam Chairman, I thank the ranking member for yielding me this time.

Unfortunately, I must rise in opposition to this bill, and for many of the same reasons already mentioned: the underfunding of the Leave No Child Behind Act, the cut in the children's health programs, the LIHEAP energy assistance program for low-income people, Head Start, and cancer treatment and research.

Today, however, Madam Chairman, I would like to speak on urban hospitals, the hospitals in America that treat most Americans when they have traumatic illnesses. Urban hospitals need help in our system, and we are not in

this bill giving them that help. Urban hospitals treat hundreds of thousands of people with uncompensated care, no insurance or underinsurance.

It is unfortunate that our country, the richest in the world, cannot at this time help our hospitals that are in critical condition. I met with my group of doctors just this last Monday, the Michigan State Society of Medical Doctors. They all talked about not being able to treat patients, about the reimbursement rates and the underinsuring. Many of them are dropping patients. We have got to do better by our health institutions. Our health system is in critical condition. This Congress could help support that. This bill does not do that.

I cannot support this bill in its present form, and I would hope we could go back to get a better bill to help the people of America, to help the seniors that have built this country, and so that our health care system in our urban hospitals can sustain themselves and take care of their mission, which is taking care of the people of America.

Madam Chairman, I rise today to express my dismay and concern about H.R. 2660, the appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies. This bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children, in addition to providing financial resources for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented.

The bill is terribly flawed for the following reasons. First of all the bipartisan supported No Child Left Behind Act is a gargantuan unfunded mandate. The President promised to revamp our educational system, to make schools accountable, to raise standards, to increase teacher competency and training, and to increase parent involvement. Instead, what has been delivered amounts to lip service.

The Labor HHS bill seriously under-funds the No Child Left Behind Act by $8 billion and provides the smallest percentage increase in education funds in eight years. The bill requires school districts to meet student testing requirements, improve teacher quality and imposes other mandates. Additionally, the bill falls $350 million short of the $3.3 billion promised in (real terms) to states to improve teacher quality. Fifty-four thousand fewer teachers will receive high quality, federally-supported professional development.

This bill falls $334 million short of the $1 billion in Title I funds promised. In my home state of Michigan, under this bill, the children of Michigan will lose $202 million in Title I grants below the amount called for by the No Child Left Behind Act. This situation is further compounded by the fact that after-school learning opportunities are being short-changed. Under this bill, Michigan will lose $23 million in After-School Program Funding.

I said earlier, this bill has been misrepresented. This fact is true. Children and entire school systems are going to be left behind. The American public has been fed a feel-good diet of positive rhetoric by the President regarding our educational system. The reality is, the promises are empty, the financial cupboard is bare, administrators are disillusioned and our children are the losers. The insult that is added to the injury is that State budgets are crippled by unprecedented tax cuts that have been enacted, despite the reality of downward spiraling State economies.

As a member of the Appropriations Committee, I have been a witness to the collegial discussions about the constrained budgetary environment we are forced to operate within, thereby causing the under-funding of vital programs such as No Child Left Behind. I cannot sit by idly and embrace the current rhetoric that our Nation's school systems and their students are well-served by the bill before us today. This is not a good bill for America's children.

Madam Chairman, we are telling our children that the pursuit of an education and obtaining a degree will unlock the doors to opportunity. I am compelled to pose the question, where will the money come for to pay for students to attend school? Let us consider this, tuition at colleges and universities is increasing rapidly. Under this bill, grants such as Pell Grants, will finance only 38 percent of the cost of a public university—compared to 84 percent when the Pell Grant program was established. Students are confronted with greater costs and fewer means to pursue their dreams.

I stated earlier that this bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children. Furthermore, the President has informed Americans that needed financial resources are being provided for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented. The bill under consideration does not best serve the needs of so many of our Nation's students and school systems who were promised a first-class funded educational system, but instead they will receive thrift store funding. False hopes were created and broken promises in the form of un-funded mandates will now be the reward. I urge my colleagues to reject this bill.

We are experiencing a health care crisis in our Nation. In my district alone, there are two hospitals that are operating at such negative losses that they may be forced to close. These urban-safety net hospitals, like most other urban hospitals across our Nation, have a high percentage of uncompensated, uninsured and underinsured care. They do not turn anyone away. We cannot turn our backs on them as well.

The closing of these hospitals across our Nation creates a cascading effect that only adds to the health care emergency in our Nation. When one hospital closes, other hospitals must take on the burden of uncompensated care and the problem continues until the next hospital closes. When are we going to step up to the plate and ensure that we provide the funds necessary to fix our shattered health care system?

Instead of passing tax cut after tax cut that only raid our cupboards and benefits the wealth, Congress should take heed of the problem our urban hospitals are facing and provide a funding stream to help these important health care entities in this bill that provide a high percentage of uncompensated care. But no, tax cuts are more important.

Our distinguished ranking member of the Appropriations committee, Mr. OBEY tried to offer an amendment that would have restored Medicaid and SCHIP coverage to children who have been removed from those programs over the last two years. This amendment was defeated on a rollcall vote in committee. The amendment would have provided the funds by making modest reductions in the benefits that the highest-income taxpayers received under the 2003 tax bill.

At a time when high unemployment is causing many Americans to lose their job-related health care coverage, the State fiscal crisis is leading States to cut back health coverage through Medicaid, SCHIP and various state-finance programs. This is acceptable to many here in Congress that would prefer to see massive tax cuts than a strengthened health care infrastructure.

With States making the difficult decisions of cutting Medicaid and SCHIP eligibility, more and more individuals are joining the ranks of the uninsured. This in turn puts more of a burden on our hospitals that already are struggling to keep afloat. We need to get our priorities straight. We can do much better than what we have done with this bill to help those across our Nation.

Mr. OBEY. Madam Chairman, could I inquire as to how much time remains on both sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Ohio (Mr. REGULA) has 9 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 32 minutes remaining.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Madam Chairman, let me talk a little bit about some of the programs that I am so concerned about.

ALS is one program that has affected my office. I know that this disease is familiar to many, many people because of Lou Gehrig. It is a rare disease; but when you see it firsthand, you begin to recognize what research could do. A person becomes completely debilitated with this disease; and depending upon the severity of it, it happens either very quickly or it happens over a long period of time.

Now, the mind remains completely clear, but physically they deteriorate substantially and finally die after a period of either 1 to 5 years. So any increase in this program would be a real benefit to the people that have this dreaded disease.

Also, let me talk about diabetes, because in my district I have the highest rate of diabetes in the country. Now, we put $10 million in the defense budget for research for one part of my district because Brownsville, Pennsylvania, has the highest rate in the district so it is the highest rate in the country itself. And, of course, diabetes has so many ramifications that are directly related to it, and this research is so important.

Education, in my estimation, is the key. We have to spend some money convincing people that once they eat right and they do exercises they are going to limit their opportunity to

have diabetes. And I am talking about Type 2 diabetes. I am not talking about Type 1 diabetes. Matter of fact, we have a young woman that was Miss America, of I think 1999, from the district, who had Type 1 diabetes. She has been out talking about it, and she convinced me that we needed to do something about this.

Alzheimer's disease and of course Parkinson's disease are two more of great concern to me. Joe McDade, who served in this House for 35 years, developed Parkinson's disease, and I sat beside him and saw him. His mind was completely clear, but it debilitated his body. Now, he has worked his way through it with drugs, and improvements in drugs made a tremendous difference.

I appreciate what this committee has done over the years in the research facilities and the work they have done in order to make sure there is as much money available as possible. I would hope that when we go to conference with this bill, we will be able to make sure that these research projects, which are so important, and which we have tried to supplement what you do in the defense bill with money for breast cancer, for ovarian cancer, for research in those areas, but I am hopeful you will be able to do even more in your bill this year. Because it has such a dramatic impact on preventing these diseases and, of course, actually saves us money in the long run.

So I would urge the committee when they go to conference to make every effort to increase the amount of research for these very debilitating diseases.

Mr. REGULA. Madam Chairman, I yield myself such time as I may consume to point out to the gentleman who just spoke, the gentleman from Pennsylvania (Mr. MURTHA), that we do have report language urging NINDS to focus on ALS. I know it is a devastating problem for those who are afflicted, and we are concerned about it.

Madam Chairman, I reserve the balance of my time.

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

Ms. DELAURO. Madam Chairman, the Labor, Health and Human Services and Education bill has always reflected our priorities as a Nation. I believe we have an obligation to the people of this country to provide services that help us meet the most basic needs we have as a community, be they health, the education of our children, or scientific research that finds the medical cures for tomorrow.

Wherever one stands on the distribution of tax cuts that the Republican leadership in this Congress has passed, it is undeniable that they have significantly limited this government's ability to meet those challenges and to do our jobs. And of all the glaring inadequacies in this bill, cutting funding for the National Institutes of Health, the largest and the most distinguished biomedical research organization in the world, might be the most egregious.

It is not overstating the case to say that the NIH has prolonged or improved the life of every American. Childhood leukemia, because of research at NIH, the cure rate is now 80 percent. Diabetes, because of new treatments in Type 1, diabetics are now producing their own insulin, no longer requiring daily injections. NIH is also working on state-of-the-art treatments for Alzheimer's, Parkinson's and HIV.

As someone who was diagnosed with the deadliest of gynecological cancers, ovarian, more than 17 years ago, I know firsthand how this research has changed lives. It saved mine. And today, because of a new test to find ovarian cancer in its earliest stages, through a simple blood screening, millions of women will get the treatment that they need when it is most effective. That is the power of the NIH.

All of this has only been made possible because of a commitment we have had in the Congress to double the NIH's budget which created the most outstanding generation of basic and clinical scientists in history.

So what does this bill do? It breaks that commitment to double the NIH budget. It cuts NIH funding in real dollar terms. There will be no room to fund new research ideas, or little room. It will threaten NIH's abilities to continue its support for large clinical trials that go well beyond what the industry can fund. And by effectively paving the way for smaller, less expensive studies and clinical trials, scientific research will often be reduced to mere suggestions and not definitive conclusions.

Mr. Chairman, say what you will about the virtues of tax cuts, they do not save lives. Americans need to recognize that this debate is really about choice. It is a choice between medical research that touches every single American life, every life, and a trillion dollar tax cut that affects mainly the wealthiest in this country. And I guarantee that if Americans are forced to make that choice, that if the facts are laid before them, they would choose medical research each and every time.

For generations this body has made the right choice. Oppose this bill. It is an abdication of our responsibility to millions of American families and to this institution.

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

Mr. OBEY. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 26 minutes remaining, and the gentleman from Ohio (Mr. REGULA) has 8½ minutes remaining.

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

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

□ 1330

Mr. DICKS. Mr. Chairman, I rise today to discuss the Impact Aid program, which is critically important to me and many of my colleagues across the country. The Sixth Congressional District of Washington State, which is impacted by several large and vital military installations. Our region willingly hosts thousands of Active Duty personnel, who represent a large economic force in the Pacific Northwest. Washington is also home to 27 federally recognized Native American tribes. However, with these advantages comes a drawback: the loss of substantial property areas from the local tax base.

As my colleagues know, military bases and tribal lands do not pay most State and local taxes, but local school districts are still required to provide an education to children that live on these lands. Often this imposes millions of dollars in additional costs to these districts. Congress created the Impact Aid program to address this glaring problem.

I was extremely disappointed when the President submitted a budget to Congress earlier this year that contained a cut of more than $170 million to this important program. This proposal was very poorly considered, coming at a time when hundreds of thousands of troops were preparing for deployment around Iraq. As it becomes more and more apparent that large numbers of American troops will be required to remain in Iraq for the foreseeable future, the decision of the President to cut funding for educating their kids is more difficult to comprehend.

I commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for coming to the rescue of Impact Aid and rejecting the Bush proposal. However, even with that, the Department of Education estimates that another $583 million is necessary to meet these needs. With the hundreds of billions of dollars that the Congress and the President have dedicated to tax cuts, it is astounding that we cannot find just a half billion in this budget to fully meet the needs of the children of our men and women who are fighting overseas on our behalf.

For years I have worked closely with dozens of Democrats and Republicans to make this a bipartisan proposal. Again, I commend the chairman and ranking member for fixing part of the problem, but we still have more to do.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, today we see the consequences of the massive tax cuts of the Bush administration. Theirs is not a policy of benign neglect, theirs is a policy of designed neglect. It is a policy to defund the government in 2010 and 2015 and 2020 and 2025. That is $3 trillion worth of tax cuts over that time frame which has already been passed.

Well, that means that the money will not be there for nursing home care for the 14 million Americans who are going to end with up Alzheimer's, with the 5 million with Parkinson's, the money will not be there for nursing home care for those seniors. What is the alternative? The alternative is to cure Alzheimer's and Parkinson's and ALS. That would be the NIH budget here today. But they are only going to increase that budget by 2 percent.

Now, the budget for smart bombs is unlimited; unlimited, but the American people want the same budget increases for smart medical research because it is just as important for the protection and defense of the family well-being of those tens of millions of families who are going to be afflicted by these diseases.

The gentleman from Ohio (Mr. REGULA) has a heart of gold. He really does. He is a wonderful man; but the overall environment of these massive tax cuts that the Bush administration has put in place makes it impossible now for us to fund either end of this spectrum, either the long-term nursing home care for those Americans who are going to be afflicted by these diseases, or the full funding, the doubling of the funding, the tripling of the funding which as a consequence would be necessary in order to cure those diseases. We cannot have it both ways. It is either one or the other. We must increase the NIH budget to protect the long-term interests of all American families.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this bill. As cochair of the Biomedical Research Caucus, the House Cancer Caucus, the Heart and Stroke Caucus and as founder of the House Nursing Caucus, I can tell Members that this bill shortchanges the health of the American people. It is inadequate in so many ways, but I want to focus on just one.

We are missing a tremendous opportunity to support critical biomedical research that can save lives. Congress last year completed the doubling of the NIH budget after years of underfunding this national institution. This was a tremendous accomplishment supported by Members from all across the political spectrum, but now we are going to begin throwing away the benefits from responsibly funding NIH. It is terrible news for cancer patients, heart disease patients, and others suffering from chronic diseases.

I watched my daughter Lisa struggle with lung cancer, pinning her hopes on a clinical trial. For these people to have hope, we need to fund new research, not just to continue existing grants. They need cures and treatments that have not been discovered yet. This bill will not allow new research. Instead, it will severely curtail new research opportunities.

An optimistic assessment shows that under this bill, NIH will be only able to provide 21 new grants next year. The 2.5 percent increase in the bill does not match NIH's estimates of inflation in research costs. Cancer patients, heart disease patients, Alzheimer's patients, stroke survivors, Parkinson's patients, ALS, many others are just going to have to wait. This bill defers their hopes of new cures.

As many of my colleagues have stated, we are seeing the cost of these tax cuts. The majority will tell us we cannot afford spending for institutions like NIH above the 2.5 percent increase, we cannot afford the benefits of life-saving medical research. The irresponsible tax cuts the majority has rammed through are costing us lives. We should reject this bill and get our priorities straight.

Mr. Chairman, I do not want to tell the cancer patients in my district that their research has been blocked. Do you?

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, given my deep respect for the gentleman from Ohio (Mr. REGULA) and his sincere efforts to address critical needs within the restraints that he was given, I regret that I must rise in opposition to this bill.

I am particularly concerned about the funding levels for the Older Americans Act programs and their impact on the elderly of our Nation. The Older Americans Act of 1965 was passed the same year that Medicare was enacted to meet the needs of elderly Americans and to enable them to live their twilight years with dignity and respect by helping them with nutrition, transportation, and other services that would allow them to stay independent and in their homes. This bill jeopardizes that promise.

It is hard to overpraise the generation that our parents and grandparents represent. Theirs is the generation that helped to make this Nation great. Unfortunately, because this bill provides less than a 1 percent increase for programs in the Older Americans Act, even after the committee restored the $25 million cut in the President's budget, senior services critical to their quality of life will have inadequate funding; services such as Meals on Wheels, in-home support services, preventive health programs, and programs to guard against elder abuse and exploitation.

This inadequate funding will also create greater headache in the future when one considers that one-sixth of our Nation, over 46 million people, are already 60 and older, and that by 2005 an estimated 13 million more baby-boomers will join them.

I ask my colleagues to vote against this bill and to send our elderly a strong message of support and appreciation for their past sacrifices and their right to live with dignity and respect.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to associate myself with the remarks of the previous speaker, the gentlewoman from California (Ms. ROYBAL-ALLARD).

I think it is a disgrace in this budget, although our chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), have made the best out of a bad situation.

We are underfunding the Older Americans Act. At a time when our baby-boom generation is getting ready to retire, it seems to me we ought to be getting prepared to deal with these issues. Instead, I will give an example of two programs that we severely underfund in this budget because of the allocation we are given; one, the Meals on Wheels program, and the Congregate Meals program.

I can tell Members, having been out there with meal site workers and with those on the Meals on Wheels program, this is the only meal they get any day. I have been in the homes. These people are looking forward to the knock on the door. In fact, some seniors leave their door open, and we all know how concerned they are with someone breaking in, but they leave the door open when they know the meal site worker is coming by to deliver that hot meal. When the worker comes in, they want to take the dessert and the bread and put it over here because that is their dinner. They have one meal per day, and we are underfunding Meals on Wheels in this bill.

The second issue I want to take up is the issue of the caregiver program. I do not understand our priorities. I thought we were about trying to save money and save lives. It seems to me there is no more valuable way to take care of our seniors than to have the very family members, their spouses and their children, give them the opportunity to take care of their parents. It is $40,000 a year to keep a senior citizen who has disabilities in a nursing home. Why put him in a nursing home when they do not want to go to a nursing home; and, two, and they can live independently at home with just a little support from a family member. We are cutting the caregivers' program. We spend $5 per caregiver so they can take care of their loving spouse.

To me, this budget does not reflect America's priorities. I know I am going to vote against it, and I think we are seeing the consequences of these $3 trillion tax cuts when it comes to delivering hot meals to seniors.

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

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for their efforts.

I rise in support of the Obey substitute, and specifically the increase in

Low Income Home Energy Assistance funding it provides. The underlying bill has only $1.7 billion in regular LIHEAP funding appropriations and a small $100 million account for contingencies.

The gentleman from Wisconsin (Mr. OBEY) wisely provides $2.25 billion in regular appropriations for LIHEAP. For low-income and elderly Americans trying to weather through the terrible energy bills in this country, LIHEAP is critical, and every dollar helps out.

But for folks from the South, there is even a bigger reason to support the funding level in the Obey amendment. LIHEAP funding has a $1.9 billion threshold, which means that after funding exceeds that level, Southern States that use LIHEAP for cooling during the summer months receive a fairer portion of the funding. People die from heat more than from cold in our country.

The Obey amendment provides an additional $28 million in low-income assistance for Texans struggling to pay their electric bills. Texas LIHEAP averages about $500 per family, so that means an additional 56,000 families could be reached just in Texas alone.

The President in his Statement of Administrative Policy says he believes we need more LIHEAP funding. I bet if he saw the levels in the Obey amendment and if he saw what it means for low-income Texans, he would support it, too.

I strongly believe that the LIHEAP formula needs to be reformed to address the situation in the hotter Southern States. Texas receives the second lowest amount per low-income person in the country under LIHEAP, about $10. Minnesota receives $160 per low-income person. My colleagues know that heat causes serious health problems that can kill. According to the National Weather Service, in 2000 and 2001, there were 324 heat-related deaths and 30 cold-related deaths. Heat worsens heart conditions, lung conditions, diabetes, circulatory conditions. During a Texas summer, for old folks and the disabled and those with chronic conditions, air conditioning is a lifesaver, not a luxury. I urge my colleagues to support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

□ 1345

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let us think for a moment about what our great Nation can be and then think at the same time about the direction in which we are going. And this legislation, this appropriations bill reflects the fact that we are moving in a very bad direction. The reality is that in our great Nation, we have the capability of providing a decent life for all of our people. The middle class should be expanding, not declining. Poverty should be going down, not increasing. Unemployment should be going down, not up. We should be taking care of the most vulnerable people in our country, the elderly, the sick, the children, not seeing them exposed more and more to the dangers that impact upon their lives. We should be asking the wealthiest people in this country to help make our entire Nation great, not provide trillions of dollars in tax breaks for people who do not need it.

That is what the United States of America is about. That is where we should be going, a good life for all of our people, not extraordinary wealth for a few, the decline of the middle class and an increase in poverty. In terms of our elderly, think about what millions of elderly people are trying to do today, as we speak, in an attempt to survive on Social Security. They are trying to figure out how can they afford to pay the outrageously high cost of prescription drugs which the pharmaceutical industry imposes on us. They are thinking about in the cold weather, States like Vermont, how can they heat their homes when oil prices go up and they have inadequate sums of money. They are thinking about what happens to their family if they need home health care, if they need a nursing home. They are thinking about the pleasures that they receive, few as they may be, when they are getting Meals on Wheels delivery to their homes. These are frail people who cannot leave their homes, who every day have someone knock on the door giving them sustenance. These are people who once or twice a week go to a congregate meal program which gets them outside of the home, which enables them to socialize with their friends, which enables them to see a social worker which adds years to their lives. And then think about what this bill does and what the right wing Republican agenda is all about. What the agenda is about is to defund the basic programs in this country that protect the littlest children and the oldest people, that provide people with a basic minimal standard of living.

We have got to defeat this legislation, cut back on these huge tax breaks, and make sure that all Americans get the kind of help that they need.

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

Mr. OBEY. Mr. Chairman, I yield another 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), who has the quaint idea that we should not be gutting our efforts to control child labor.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to thank the gentleman from Wisconsin for his steadfast leadership on these issues of great importance.

I would like to again ask to have the remarks of my predecessor be included in the RECORD as remarks that I would be associated with.

And let me say to the people what this bill does in terms of child labor. We always complain when we see those stories about that 5-year-old, that 12-year-old over in some part of this world that is weaving together a rug that will be sent back to this country and sold at Wal-Mart for $10. And yet $10 will probably be all that child sees in any given year, and under this bill this administration cuts by over $100 million the funding to inspect and enforce child labor laws around the world.

Let me just give an example. Between 5 years of age and 14 years of age, there are over 250 million children between 5 and 14 who are working in violation of the International Labor Organization standards. Do the Members not think we ought to do something about that. Do the Members not think that this country has a moral obligation to ensure that these children are not being exploited? Apparently, the administration does not feel that way. They have cut the budget $100 million.

Right now the President is over in Africa. He is talking about HIV/AIDS. Remember he was promising them a lot of money? Guess what. In this budget he cuts funding for HIV/AIDS partnerships through the ILO, which can help create a private sector involvement to help tackle the scourge, the pandemic of AIDS in Africa. That money has been cut. So we can most clearly see our Nation's priorities are based upon where we spend our money. Millionaires in this country get $87,000-a-year tax cuts, millionaires; but we are going to underfund inspections of child labor. That, I think, is a disgrace.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, the bill before us has many shortfalls that are being detailed today. Underlying many of them is the need for funding for nurse education programs. We are in the midst in this Nation of a growing nurse shortage. The nursing workforce is aging and approaching retirement. Fewer and fewer nurses are coming into the field. Today we are currently short 126,000 nurses. The demand for nurses will increase by more than 25 percent over the next 7 years; and according to the Bureau of Labor Statistics, we will need 1 million more nurses by 2010 to meet the needs of this country. To make matters worse, these shortages will peak just as the baby boom generation begins to retire. The shortage is already complicating the deliver of everyday health care.

As health care professionals can tell us, dealing with the nursing shortage is about ensuring quality patient care. The joint Commission on Accreditation of Health Care Organizations has studied the link between staffing shortages and increased medical errors and found that one quarter of all unexpected deaths and injuries caused by hospitals

can be linked to the lack of nurses. The nursing shortage is hampering our homeland security preparedness efforts. Who is going to administer smallpox vaccines or other bioterrorism treatments if we do not have enough nurses? Last year the Congress recognized this threat to health care and preparedness in our country. We have passed the new nurse reinvestment act to recruit and train nurses and keep current nurses on the job.

But the bill before us fails the commitment we made just last year to address the nursing shortage. It offers no increase for funding as this baby boom generation approaches retirement, no way to deal with shortages in this bill. The nursing funding is already so low compared to other health care priorities that it should not be cut at all. In fact, in 1974 during the last serious nursing shortage, funding for nurse education programs was $153 million. In today's dollars that would be worth $533 million, almost five times what we are spending now.

We can afford to make a modest increase in this underlying bill to address today's shortage. We must do this. If we miss this opportunity to make an investment in our health infrastructure and our homeland security efforts, we will be reaping the consequences of yet another reason we should not have voted for that huge tax cut. And I urge my colleagues to vote against this bill. Let us start over again and address the nurse shortage.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I want to discuss some ways this bill falls short in our commitments to eradicating child labor and promoting core labor standards. Less than a month ago, Secretary Chao stood before the International Labor Conference and proclaimed the administration's solid support for ILO programs. She even announced ''new'' initiatives to combat child labor and to fight the scourge of AIDS. In the days when the credibility of the United States is strained, it is unconscionable to make hollow promises, and that is what Secretary Chao did when she implied the administration would ramp up the International Labor Affairs Bureau's work, including expanding HIV/AIDS prevention programming.

My colleagues, like the administration's fiscal year 2004 budget, the bill before us provides $12.3 million for ILAB. A 92 percent reduction in funding for the Bureau would gut our efforts to eradicate child labor and promote decent labor standards abroad. Furthermore, our ILAB public-private partnership aimed at combating the spread of HIV/AIDS would be completely eliminated.

Mr. Chairman, the International Labor Affairs Bureau's programs are working. Since fiscal year 1995, our child labor elimination projects have targeted more than 500,000 children for prevention or removal from exploitive work. In turn, more than 140,000 children have been either prevented or have been removed from exploitive work; and since October 2002, 24,000 children have been removed from just awful conditions and placed in education and training programs. ILAB assistance has also resulted in 41 counties making commitments to initiate programs or expand existing projects that are designed to promote and implement core labor standards, including occupational safety, health, model job banks, mine safety programs, veterans employment and training. I realize that as of May 31 ILAB had only obligated 8 percent of its fiscal year 2003 appropriated funding.

Please let us vote against this bill so we can work with the Senate and expand the numbers for this very important program.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Republican bill. Democrats were denied an opportunity to offer our substitute that would have reversed a decade-long funding stranglehold that has provided flatline funding on the senior citizen meal program, including Meals on Wheels. In the past I have offered amendments during the appropriation process to reverse this trend, and the Republican majority has stricken my amendments in conference. The funding for senior meals programs when translated into today's dollars has steadily been dropping when adjusted for inflation, and this has resulted in significant reductions in meals provided at senior centers. In my district, from Ironwood to Au Gres, senior centers have been struggling to keep their heads above water because funding has dwindled.

In fiscal year 1994, we allocated $151 million for the Nutritional Services Incentive Program. If we were merely to just keep pace with inflation, the funding today should be $191 million. Instead, the proposal in the Republican bill cuts funding by $2 million to below where we were in 1994, where we are at $149 million. This decrease in funding ignores the large growth rate in the senior population and insults senior citizens who depend on these programs to feed themselves daily. I repeat. This Republican bill continues a decade-long flatline funding plus cuts another $200 million from the senior meal funding and ignores the needs of seniors in my district and throughout this country.

I urge all Members to vote ''no'' on this appropriation bill.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have documented the numerous ways in which this bill does not meet its responsibilities to the American people. The situation we are in is basically this: We are going to be asking the majority to reconsider a decision it made just a few weeks ago to put all of our eggs in one basket in the form of tax cuts rather than reserving some of those eggs and putting them into needed health care and education and worker protection programs. The problem with the way this House is being run is that the budget system is being misused to hide from the American people the consequences of the actions taken by the majority party on tax policy.

□ 1400

They want to hide behind the House rules and say, ''Oh, look, we already decided the tax issue, and so now you are stuck with the room that is left under the budget resolution.'' We do not think that is a good enough reason to continue to do something that is stupid and unfair and, in some cases, heartless.

What we are asking our majority Members to do is to reconsider the decision that decided that it was necessary to give millionaires in this country an $88,000 tax cut. We are asking you to use an unusual procedure in order to revisit that decision and instead limit that tax cut for those 200,000 people who make more than $1 million a year, limit that tax cut to $44,000 a year, so that there is some room in the inn left to improve the quality of education for our kids, to protect our workers against child labor, and to see to it that not a single child in this country is knocked off the health care rolls because of State budget crises.

So that is a simple choice. Now, you can try to convince the press and convince the country that you have already made these decisions and so you have no choice but to move on.

You always have choices. You always have choices. It depends on whether you are willing to insist on exercising them. Every person who votes for this bill today will be saying they would rather leave the tax package as is and go ahead with this bill as is. I do not think that is a wise decision. I do not think it is going to be an acceptable decision when the American people understand what you have done.

The choice is very simple: Are we going to make kids pay for giant-size tax cuts for the most privileged people in this society, and, in the process, weaken their ability to get a good education and weaken their ability to be taken care of when they need to see a doctor or a nurse? That is the simple choice.

Mr. Chairman, with that, I would simply appeal to Members' consciences.

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

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MCHUGH) for a colloquy.

Mr. MCHUGH. Mr. Chairman, very briefly, we deeply appreciate the consideration the gentleman from Ohio (Chairman REGULA) has given to the Low Income Home Energy Assistance Program and we know he understands the importance of this vital program. Many of us remain concerned, however, Mr. Chairman, about the direction as it is contained in this bill.

As you know, prices this year for energy are up 30 percent for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and on and on and on. We certainly think that as the process continues, we need to look at this issue further, and we would, in spite of all your good efforts to this point, urge you to continue to recognize the impact that our Nation's current weakened economy and the high price of energy on low-income and fixed-income energy consumers is having.

We would certainly hope that LIHEAP could be increased to avoid a crisis, and urge you respectfully, Mr. Chairman, a consistent supporter of this initiative, to consent to working toward that $2 billion in funding for LIHEAP as was agreed upon by the Senate.

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

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for voicing his concerns. In my own State I have seen firsthand how critical LIHEAP is for low- and fixed-income families. I support providing an adequate funding level for this program.

When the House and Senate go to conference on this appropriations measure, I will work with my colleagues to ensure the viability of this crucial program.

Mr. MCHUGH. Mr. Chairman, reclaiming my time, I thank the gentleman for his consideration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, this bill before us today will fund the Departments of Labor, Health and Human Services, and Education, in my opinion, at the appropriate levels. It maintains fiscal discipline and makes necessary spending reforms, and it also sets priorities. It reflects America's commitment to education, Federal health initiatives and working families.

The bottom line is that it meets our needs, and, of course, it does so without raising taxes. But raising taxes is exactly what the minority wants to do. It is the basis of the proposal of the gentleman from Wisconsin (Mr. OBEY) and most of the people that have spoken on the other side of the aisle.

The gentleman from Wisconsin suggested earlier that he thinks 90 percent of the people affected by his tax hike actually want higher taxes. I repeat, the Democrats think Americans want and deserve higher taxes. Now, that is a debate I wish that we could have every week, every day, on the floor of this House, because the gentleman from Wisconsin (Mr. OBEY) says his tax hike, and I thank him for his candor, would only cost a small business $28,000. Only $28,000.

Mr. OBEY. Will the gentleman yield? I never said any such thing. I never mentioned any small business.

The CHAIRMAN. The time is controlled by the gentleman from Texas (Mr. DELAY).

Mr. OBEY. If the gentleman is going to quote me, he ought to quote me accurately.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. Do not use the rules to lie about what I said.

The CHAIRMAN. The gentleman is out of order and the time is controlled by the gentleman from Texas.

POINT OF ORDER

Mr. CUNNINGHAM. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CUNNINGHAM. Mr. Chairman, it is correct that it is wrong to use the term directed to another as a ''liar'' on the House floor, and, if so, I wish the gentleman's words to be taken down.

The CHAIRMAN. The Chair rules on the point of order that the Member must avoid such personal references to other Members.

The gentleman from Texas (Mr. DELAY) may continue.

Mr. DELAY. ''Only $28,000.'' But $28,000 to a small business is a job. That is a salary, money a small business could use to hire a new employee. And they want to take it away.

Now, Democrats want to stifle job creation to fund their big government programs. But, Mr. Chairman, Republicans know better. We understand that the economy cannot be improved without job creation, and we understand that 70 percent of all new jobs are created by small business.

So, when the Democrats propose raising taxes on the very small businesses that would create these jobs, you have to understand our confusion, and you have to understand our excitement. After all, this has been a wonderful debate, and I want to thank the gentleman from Wisconsin and the Democrats for their clarity and their consistency. I want to thank them for touting this idea to raise taxes on small businesses and stifle job creation. I truly do.

Though, I have to admit, when I heard about the Democrat's proposal, I almost forgot what year it was. I started looking around for bell-bottom pants and aggressive chest hair. But before I dusted off my polyester, you will be happy to know, Mr. Chairman, that I had come to my senses, because, despite the earnest wishes of the Democrats, it is not 1977 anymore, and hiking taxes to pay for big government programs is as dead as disco.

Now, I do not mean to single out the gentleman from Wisconsin (Mr. OBEY) or the Democrats. After all, as you can painfully see, a lot of bad ideas were fashionable in the 1970s. But nowadays big tax-and-spend hikes make as much sense as my old pink and red leisure suit.

Mr. Chairman, thankfully most Americans had the common sense to let the embarrassing fashions of the 1970s go. So on behalf of everyone with a picture like this in their family album, I urge my colleagues to vote for this bill and vote against the small business tax hike of the disco Democrats.

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

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

Mr. REGULA. Mr. Chairman, I would ask the gentleman, who is that nice-looking girl with that young guy?

Mr. DELAY. Mr. Chairman, that is one of the most beautiful women in the world, my wife.

Mr. REGULA. Mr. Chairman, I yield 2 minutes and 25 seconds to the gentleman from Texas (Mr. SESSIONS) for a colloquy.

Mr. SESSIONS. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies for yielding to me and for his tremendous work on this legislation and important issues. I also want to thank the chairman for working with me to provide adequate funding for Down Syndrome research, particularly in the area of enhancing cognition and preventing the early onset of dementia for people with Down Syndrome.

This year, the National Center on Birth Defects and Developmental Disabilities at the Centers for Disease Control recognized the need for studies in these two areas. The first study would develop estimates of the number of persons with Down Syndrome by age group and racial and ethnic breakdowns. The second study would document the onset and the course of secondary and related developmental disorders and health conditions of individuals with Down Syndrome. The committee report makes reference to these proposed studies, and I want to thank the chairman for including that language in the report.

Current estimates indicate that there are approximately 350,000 individuals living in the United States today with Down Syndrome, but we do not know how they break down by age group or by ethnic group. We also do not know why children with Down Syndrome are more at risk for developing secondary conditions, like autism and obsessive-compulsive disorder.

Mr. Chairman, I want to know, do the gentleman agree that the funding of these studies should be a national priority?

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

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

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's leadership on this issue and agree with him that the study of Down Syndrome should be a national priority. The committee has encouraged the NIH and CDC to place a greater priority on Down Syndrome research, which has generally lagged behind other kinds of disability research. The testimony that was provided to the subcommittee on May 13 was very informative and very helpful, and I look forward to working with the gentleman from Texas to encourage NIH and CDC to fund this important research.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments and would ask if he would be willing to work with me in the conference towards funding these two studies of the CDC in fiscal year 2004?

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, I look forward with working with my friend to address these specific concerns in this appropriations bill.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I thank the gracious gentleman for his time and for his work.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the House rules.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I represent the Clark County School District in the great State of Nevada, the seventh largest school district in the country.

Nevada is the fastest-growing State in our Nation and has grown more than 75 percent since the 1990 census. Clark County School District is accepting close to 12,000 new students a year, opening more than a dozen new schools and hiring over 1,800 teachers a year.

Education funding levels are not keeping pace with the population growth occurring in Clark County, Nevada. A major problem the Clark County School District faces is the number of new students moving into the district that come from other school districts, many from other States, where funds previously allocated for that student are not following them to Nevada.

Currently, the Census Bureau has been conducting biannual updates to calculate and update current population to be used in establishing Federal education funding in Title I of No Child Left Behind.

Nevada, more specifically Clark County, would benefit significantly from an annual poverty update to be provided for in the Labor-HHS-Education appropriations bill. I commend the committee for including the language to provide $3.5 million to the Census Bureau to conduct an annual poverty update. This language will help track population changes as closely as possible.

While I appreciate the committee's efforts to address the needs of fast-growing States, Mr. Chairman, you understand the degree to which Nevada suffers Federal funding shortfalls due to our exponential growth.

□ 1415

Therefore, I would request that the chairman of the subcommittee continue to work with me to secure additional funds to help Clark County and the State of Nevada fill some of the funding gaps we have been facing.

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

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

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's comments. I will be happy to work with my colleague, the gentleman from Nevada (Mr. PORTER), as this legislation moves through the legislative process.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Ohio for his attention to this matter.

Mr. REGULA. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. REGULA. Mr. Chairman, let me say to the people who are watching, we are going to do some procedural things. We are making every effort to try to get this bill finished in a timely manner, so bear with us.

Mr. JOHN. Mr. Chairman, today I intended to offer an amendment to fund the fight against mosquito borne illnesses such as the West Nile virus. However, due to the agreement for limited debated on the Labor-HHS Appropriations legislation I was not able to offer the amendment. I would like to express to my colleagues on the Appropriations Committee the importance of addressing this issue in conference.

I commend the CDC for the work that they have done on educating our constituencies on prevention and for the support they have given for surveillance. Unfortunately, the CDC and many others were taken by surprise by the aggressive nature of the virus. And although the House appropriators have seen fit to increase CDC funding for the West Nile virus it is simply not enough. Counties across this country need help with controlling mosquito outbreaks. Education and surveillance alone is not going to put an end to the spread of this virus.

This is a major public health threat, and Congress has recognized this by passing the Mosquito Abatement Safety and Health Act. H.R. 342 would provide financial assistance to localities as they attempt to battle the spread of such an aggressive virus. Both the House and Senate have recognized the importance of this legislation by passing my bill, and I am anxiously awaiting final negotiations on the bill so that it can be sent to the President for his signature.

But an authorization is not enough, as we all know. This legislation needs to be funded at its authorized amount—$100 million. As of July 7, 28 states have experienced the West Nile virus, and the first human case of 2003 was diagnosed last week. For many of our constituents there are months of West Nile activity still ahead. Most of the 4,000 plus cases of West Nile infection in 2002 occurred in the last 6 months of the year.

Mr. Chairman, I urge my colleagues on the Appropriations Committee to further fund the fight to stop the spread of mosquito borne diseases and to appropriate funds for H.R. 342 when it is authorized—which I hope will happen before a conference on the Labor-HHS bill concludes.

Mr. BACA. Mr. Chairman, I rise in opposition to this bill.

For the past 2 years, the Bush Administration and the GOP have claimed that they are about educating children. But with this bill, Republicans are proving that they do not.

Where is the money that Republicans promised with the No Child Left Behind Act? The bill shortchanges our children by nearly $8 billion dollars.

This bill slows increases in education spending from 19 percent to 4 percent.

Republicans have promised to leave no child behind but under this bill, it is clear, many many children are being left behind.

How can we give tax cuts to the wealthy and take away from our children the right to a good education?

This bill will dramatically affect many school districts around this nation, but it will especially hurt my community—San Bernardino County California.

This bill cuts $64 million in funding for programs that help non-English speaking students learn to speak the language.

This bill completely ignores the needs of children in our public schools today. Today, 4.5 million children with limited English skills speak more than 460 languages.

The number of children who need help learning English has more than doubled over the past decade.

These children live in every state and are enrolled in half of our Nation's school districts. But I know that with this cut many children in my district will be left behind.

Places like the Ontario-Montclaire school district, where more than half of the students have limited English.

They need this money. Their children deserve a better chance at life too.

And nearly 40 percent of the children in the Fontana school system and nearly seventy percent of the students in the Rialto school system have limited English skills.

These school systems need this funding. How do we expect teachers to teach, when they do not even speak the same language as the students.

Students who can't read or write English have a greater likelihood of dropping out of school and have a greater chance of being in poverty for the rest of their lives.

Of the 530,000 Latino dropouts, one in three is an immigrant with limited English.

But this bill not only increases the likelihood that students will drop out, it practically guarantees it.

Under this bill $11 million is eliminated from the Drop Out Prevention Grants.

Every year, nearly 15 percent of young Latinos between the ages of 16 and 19 drop out of school. This is twice as high as the dropout rate for Anglo children.

Children who drop out of school are more likely to commit a crime or end up in prison. And they are 67 percent more likely to become involved in drugs or alcohol.

We need to find ways to motivate these students to stay in school, not discourage them by denying them English language skills and a proper education.

I oppose this bill in the name of all of the Latino children in my district that will be harmed by these education cuts.

We must find a way to get districts the money they need to help our children and Republicans must find a way to keep their promises.

Mr. STARK. Mr. Chairman, today, I rise in strong opposition to the Republican Labor-HHS appropriations bill.

Just 2 years ago when Congress passed the Leave No Child Behind Act, we made a commitment to improve education for every American child. We promised that there would be a qualified teacher in every classroom within 4 years. We pledged to provide every school district with the resources to meet new achievement and accountability standards for raising academic performance. We committed to making sure after school programs were available to provide a safe environment for children to pursue extracurricular activities that help them learn.

My how times change. Today, the President and Republicans have turned the promises of Leave No Child Behind into a hoax. They refuse to fully fund the initiatives that are vital to its success. They've passed the buck to the States, which simply don't have the resources to fund these programs but still must meet rigorous achievement standards. In this short-sighted and callous effort, Republicans have doomed Leave No Child Behind to fail. This is a slap in the face to school kids everywhere and to their parents who simply want their children to have good schools and qualified teachers from which to learn.

You don't have to take my word for it, just look at the numbers. Republicans provide $334 million less than was promised for teacher training and recruitment. This means 54,000 teachers won't receive needed training next year and another 7,000 teachers won't be hired to provide specialized instruction in reading and math to 170,000 at-risk children. For Calfornia, Republicans make sure our public schools will lose nearly $1 billion in grants to meet new student achievement standards and $50 million less for grants to ensure teacher quality.

In addition, highly successful after school programs are being underfunded by nearly $1 billion. California will lose out on $100 million in funding for these activities. Grants provided under IDEA are $1.2 billion less than promised. So California's school districts will lose out on nearly $130 million for educating children with disabilities.

Now, if you thought failing our children and their future was bad enough, consider how this bill shortchanges America's workers and their families. Even in the midst of this tough economy and growing unemployment, the Republicans can't seem to bring themselves to increase funding for job training. Federal job training programs are simply funded at last year's level. And for those Americans who are lucky enough to have jobs, the Republicans want to take away your right to earn overtime pay.

We had the opportunity today to stop the Labor Department's proposed regulations expanding the number of employees who are exempt from receiving overtime pay when they work more than 40 hours in a week. Republicans defeated our Democratic amendment to make sure no funding was provided to enact these flawed regulations. In doing so, 8 million American workers could lose their right to overtime pay, which translates into a huge pay cut for working families who depend on overtime pay to maintain their standard of living. This change would also encourage employers to work employees longer hours, leaving them with less time to spend with their families. There is no question that working families deserve better.

Lower income families, women and their children also deserve better when it comes to health care. Yet, this bill also threatens their ability to receive the medical services they rely on.

Like so many programs, Title X, the nation's cornerstone health services and family-planning program, won't receive additional funding next year if this bill passes. This is despite the fact that more than 4.8 million low-income families and their children receive basic health care through its 4,500 clinics nationwide.

Title X clinics provide needed health services: screening for breast and cervical cancer, sexually transmitted diseases, breast and pelvic exams, in addition to prenatal, postpartum and well-baby care. They also provide educational services, counseling and information concerning both abstinence and contraceptive methods. By providing these family-planning services, Title X contributes to the reduction in unintended pregnancies and makes abortion less necessary.

In the 13th District alone, these family health clinics were able to serve over 63,000 patients in 2002—but they could be doing more and they should have the resources to do it. Unfortunately, anti-choice lawmakers are holding funding for these clinics hostage despite the success of these services in preventing unintended pregnancies.

Ideology, not science, has led Republicans to divert funding to ineffective ''abstinence-until-marriage'' programs. Congress now devotes $117 million to these entirely unproven methods while flat lining funding for title X programs. But, unlike Title X, abstinence-only programs provide no actual clinical health services.

I urge my colleagues to take a stand for the future of our children, working families and women in voting down this bill. We shouldn't throw away America's future by neglecting the education of our children, the economic security of working families, or the health care they need and rely on. I urge my colleagues to vote no on H.R. 2660.

Mrs. CHRISTENSEN. Mr. Chairman, this body should be ashamed of itself.

The healthcare and education of the citizens and residents of this country are in a stranglehold because of a greedy oversized tax cut, and we couldn't even vote to consider reducing it by just a small amount—to allow us to provide as better education for this country's children so this country itself can be better and stronger, and help to reduce the premature, preventable deaths that occur everyday in our communities of color and poor and rural areas.

Mr. Chairman, it is a travesty that this body is moving ahead today with H.R. 2660 the 2004 Labor HHS appropriations bill as passed by the Republican members of the committee.

Democrats did not support it for good reason, and we must oppose it now.

There are many reasons why this bill is a terrible insult to the people of this country, but let me just focus on health care for my brief time:

Even for its centerpiece—community Health centers—it provides the smallest increase since 1998.

There is no increase at all for the Maternal and Child health block grant or for childhood immunization, further turning our back on our children.

The bill provides no increase for the National Health service corps; it cuts programs that help students from minority and disadvantaged backgrounds prepare for and succeed in health professions schools, and freezes funding for health professions training, at a time when we are unprepared to meet not only our everyday health needs, but to protect our country from bioterrorism attacks.

I could go on and on, but let me just end with funding for HIV and AIDS. Not only is the minority HIV/AIDS initiative flat funded when the proportion of people of color being infected is increasing, but the program which provides treatment to persons with AIDS, ADAP, is grossly under-funded, increasing the waiting list for persons with AIDS for treatment, putting their lives and those of others at increased risk.

When did we become such an uncaring country, which would leave children unprepared for life, and others to lose theirs when we could do something about it?

This appropriations bill is not worthy of this country and this body. I urge my colleagues to vote for the Obey substitute and against the base bill.

Mr. OWENS. Mr. Chairman, the Republican funding for vital Education, Health, and Labor programs is dismal. While this country's richest one percent enjoys an average tax cut of $85,000,000 the country's poorest will see dramatic cuts in programs designed to close the gap between the rich and the poor. If we are to provide for ''No Child Left Behind'' it is imperative we fully fund programs for children with disabilities. The Republicans decided not to honor their commitment for putting this program and other NCLB programs on a path to full funding by 2009.

Under this bill New York will suffer education cuts of approximately one billion dollars less than the levels authorized by the ''No Child Left Behind'' and the ''IDEA Reauthorization'' Acts. It leaves behind military dependents living near New York bases. It does nothing to help low-income college students pay for the 24-percent increase in tuition while freezing funding for teacher quality grants.

The Bush administration along with the Republican led Congress has passed tax cuts for the wealthy and left our Nation's children behind. The IDEA reauthorization which provides funding for children with disabilities was promised an increase of $2.2 billion. This appropriations bill comes up 55 percent short. A promise to fund teacher quality grants falls $350 million short, leaving 54,000 fewer teachers who would have received training and development. We passed stronger accountability standards for schools, yet this bill falls $334 million short in Title I funds. The NCLB pledged $6.15 billion more for FY04, but this

bill will leave nearly 2.2 million disadvantaged children behind. We wanted to see students achieve in reading and math. We wanted higher standards, but where is the common sense in underfunding these programs? In order to provide children with adequate facilities, equipment and specially trained teachers more money must be appropriated.

After-school programs play an essential role in the education of disadvantaged children, but this bill falls $750 million short of the NCLB promise. As a result, more than one million children will be denied the opportunity to participate in after-school programs.

Higher Education assistance through the Pell grant program is frozen under the Republican bill. Every one knows the way to close the gap between the wealthy and the working poor is through affordable education. Historically, the Pell grant program allowed students to achieve their goals without accumulating large debts, but this bill freezes the maximum Pell grant. When the Pell Grant program was initiated it financed 84 percent of a public university education. This bill would only finance 38 percent of the tuition cost.

This bill stifles the National Institutes of Health by providing only a 0.2 percent increase for programs other than bio-defense, leaving cancer and other disease research underfunded. With rising medical costs, childhood immunizations, Community Health Centers, Maternal and Child Health Block Grants will receive little or no increase. No new funding is included for nurse education and training to help with the increasing nursing shortage. While the Nation's richest are having elective surgeries in spa-like, fully staffed hospitals, the rest of our Nation is woefully underserved.

Services such as those provided by the Community Services Block Grant are to be reduced by $150 million, leaving our low income wage earners and the unemployed with little opportunity to upgrade their skills, hampering their ability to rise above the poverty level. In addition, it shuts down emergency food distribution efforts for the homeless and other low-income families. This bill further punishes by cutting funding for ''Low Income Heating Assistance'' at a time when heating bills could rise by double digits this winter for about half of all Americans.

The Labor Department, not to be outdone by the Republican Congress, is intending to take more money away from 8 million workers including some 500,000 fire fighters, police officers and nurses. New overtime regulations proposed by the Department of Labor will make it much easier for employers to stop paying overtime compensation, demand longer hours and cut their employment rolls and thereby increasing unemployment. This decision at a time when the overall unemployment rate rose to 6.4 percent while the rate for African Americans rose to 11.8 percent. This rate reflects 9.4 million people who were unemployed in June, a fifth of whom were unemployed for more than 6 months.

The Obey/Miller amendment which I fully support would block these ill advised new Labor Department regulations.

Working Families deserve much more. This legislation will leave its imprint on millions of families. It will not help with our continuing poverty problem, leaving our country to look more and more like a developing nation. A country which gives CEOs of Pharmaceutical companies salaries exceeding $26 million dollars cannot with good conscience cut key domestic programs. The FY2004 Labor-HHS-Education appropriations bill leaves children and families behind.

Mr. CUMMINGS. Mr. Chairman, I rise today to speak against the Labor, Health and Human Services and Education Appropriations bill, H.R. 2660.

Mr. Chairman, if this bill is enacted, the consequences to most Americans will be horrendous. This bill is proof positive of the Republican gameplan of promises made in domestic authorizing bills becoming promises broken when it comes time to fund them during the appropriations process. This bill fails all of the American people. That is because in this bill, significant domestic programs—K–12 and higher education, Title I, IDEA, after-school programs, Pell Grant Assistance grants, College Work Study Assistance, Perking and SEOG grants, health care, and healthcare research at the National Institutes of Health (NIH), maternal and child health programs, job training programs, and summer youth programs at the Department of Labor, as well as the LIHEAP program and the Child Care Development Block grants to name a few—are under-funded or level-funded. There is no fixing this bill, it is necessary that we scrap this bill and start over.

Many Americans are going to wonder why if this bill is so bad that the Democrats are not going to offer a slew of amendments to make it better. Fellow countrymen, I say to you, this bill is atrocious and beyond repair. But in an effort to make it better, we are offering a comprehensive substitute under the skilled auspices of Mr. OBEY that would add an additional $5.5 billion in funding to this bill offset by the recent Bush tax cut.

This bill only offers a total $3.3 billion increase over last year's funding—which represents a mere 4 percent increase in education, the lowest increase in the past 10 years. It only provides a 1.6 percent increase for the No Child Left Behind Act—that's only $382 million more for the bill that holds States to the highest education accountability standards in history. Will these spartan funds carry through on the promises of increased achievement for our children in reading and math?

It underfunds IDEA, the program that helps the 7 million children and youth with disabilities by $1.2 billion under the President's budget. It underfunds Title I by $6.1 billion below what's authorized in the No Child Left Behind Act—as we know Title I helps 9 million disadvantaged children nationwide. It allocates only $1.0 billion for afterschool programs for our children, when No Child Left Behind calls for almost twice this amount.

This bill provides only a 2.5 percent increase to the National Institutes of Health, when we need at least a 3.2 percent increase to keep up with inflation. Needless to say, important programs related to ending health disparities, maternal and child health, immunizations, and community heath centers will suffer. There are also additional cuts to programs in rural health, important components of the Ryan White AIDS Care program, and nursing education and training programs in the face of a worsening nursing shortage.

EDUCATION

Let me continue to recount what is so bad about this bill—quickly since debate is always limited on important spending bills under the current House leadership. As we all know, this bill is supposed to fund K–12 and higher education. However, not only does this bill underfund authorized levels in the No Child Left Behind Act and those anticipated in the Higher Education bill, but it underfunds the President's already under-funded budget. Most importantly, this bill cuts the Fund for the Improvement of Education by 63 percent, Troops to Teachers by 31 percent, Innovation State Grants by 12 percent, Teacher Training in Technology by 100 percent, Community Technology Centers by 100 percent, Occupational Employment Information Center by 100 percent, freezes Pell grants, along with similar freezes in Perkins, SEOG grants, and the Work Study Program.

JOB TRAINING

This bill also fails to provide any substantial funding increases for vocational and adult education programs. These programs are vital to the nearly two-thirds of Americans that do not obtain a 4-year college degree and to the 25 percent that go to work directly after high school.

HEALTH CARE

Again, this bill only calls for an overall increase for NIH of 2.5 percent, when we should be increasing funding by at least 3.2 percent just to keep up with inflation. Although doubling funding for NIH over 5 years was completed successfully, this bill reflects the smallest percentage increase in more than 15 years. Needless to say, all of the gains we anticipated in the areas of healthcare research, biomedical research, AIDS research, advances at the CDC, bioterrorism advances and ending healthcare disparities stand to be squandered with this sparse funding. It bears repeating that the community health programs, maternal and child health programs, Child Care Development Block grants and the LIHEAP program that are either cut or flat-funded will suffer under this bill, as will the people who rely on these services. Lastly, we must also mention the $170 million of underfunding in this bill to help end the backlog of administrative cases at our Social Security Administration.

It is very disheartening to see the largest and one of the most important non-defense domestic funding bills on the floor of this House, the contents of which completely ignores the cries of the people who most need our help.

Mr. Chairman, I ask what message are we sending to our children? I think it is that you are not as important as tax cuts to the wealthiest 1 percent of Americans and your future is not bright if you will need a little help. And let's remember that with unemployment over 6 percent and college tuitions sky-rocketing, many more of our young people are going to need help getting a quality public education.

I ask what message are we sending to American families and the 41 million who lack healthcare coverage. Is it that your health is not as important as lacing the pockets of the top 200,000 families with $88,000 extra dollars in tax cuts?

DEMOCRATIC SUBSTITUTE

With all of the negative implications that come out of this bill on the floor, needless to say, I would like to lend my support to the thoughtful Democratic substitute crafted by Mr. OBEY. This bill would restore funding for our nation's important domestic programs by increasing overall funding by at least $5.5 billion

over the Republican bill. It would cost us nothing since it will accomplish this critical increase by scaling back the President's tax cut for the richest 1 percent of taxpayers from $88,000 dollars to $60,000. $28,000! I think this is a small sacrifice to make. I think the American people will agree.

The question is clear—are we going to give this $5.5 billion dollars to those who need it least or to those who need it the most—to help educate our children and to provide health care and job training assistance to their families during these difficult economic times? This bill makes the wrong choice. Support the Obey substitute.

I urge my colleagues to vote against final passage of this bill.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word in opposition to H.R. 2657, the Labor, Health and Human Service, and Education Appropriations bill.

This bill is the single most important appropriations bill we will consider. It provides funding for critical programs such as Head Start, the National Institutes of Health, Low-Income Energy Assistance, Pell Grants, the Community Access Program, the Centers for Disease Control, and countless other programs that directly serve most Americans.

This is the bill that, more clearly than any other bill, shows the glaring differences between the parties, because this bill woefully underfunds almost every one of the programs I just mentioned.

For example, many of my colleagues have mentioned that the bill breaks the Majority's promise made in the FY 2004 Budget Resolution to provide a $3 billion increase from the previous year for the Department of Education.

This means less money for programs like Title I, on which my schools rely to help educate low-income and disadvantaged children.

This bill falls $334 million short of the majority's promise to provide $1.0 billion more for the poor and minority children who aren't getting the education they need and deserve.

Further, the bill eliminates other No Child Left Behind programs like Drop-Out Prevention Grants, freezes State Assessment Grants, and shortchanges Safe Schools Initiatives, only a few of the programs that the current legislation affects.

In fact, annual increases in the Federal investment in discretionary education programs have actually spiraled downward since the act was signed into law—from 18.2 percent in FY 2002 to 6.4 percent in FY 2003 to a meager 4.3 percent in FY 2004 under this bill—the smallest dollar increase in 4 years and the smallest percentage increase in 8 years.

Public health programs also suffer in the proposed appropriations bill.

The bill provides an overall increase for NIH of just 2.5 percent—the smallest percentage increase in more than 15 years and a sharp deceleration from the 15 percent annual increases that NIH has received during the past 5 years under the bipartisan program to double the biomedical research budget.

The bill's 2.5 percent increase would fall short of what is needed merely to keep up with inflation in research costs, which NIH estimates at 3.3 percent.

And as I mentioned during debate on my colleague from Wisconsin's amendment, this legislation does not do nearly enough to provide funding for the Low-Income Home Energy Assistance Program (LIHEAP).

LIHEAP is critical to my constituents in Houston, helping them to pay their cooling bills. It is 91 degrees in Houston today, with 88 percent humidity. This summer, temperatures can be expected to average in the high 90s. Senior citizens rely on LIHEAP to help protect them from these extreme conditions.

Yet this legislation underfunds it by $200 million. This is a serious problem, and don't just take my word for it.

Even the President of the United States, in his Statement of Administrative Policy, expresses his disappointment at the funding level, saying that this funding level ''could limit the ability to address the heating and cooling needs of low-income families.''

There are so many problems with this legislation that there is simply no way to improve it. There is no money to shuffle from one account to another in this bill, because all of these programs are critical.

We simply don't provide enough funding for them, and that's because we have squandered our resources on a tax cut. This bill makes that priorities of the leadership clear—tax cuts for the wealthy, and program cuts for everyone else.

I urge my colleagues to vote against this bill, and I yield back the balance of my time.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to this Labor, Health and Human Services, and Education Appropriations bill. While I applaud many of the funding provisions in this legislation, I also believe that this bill makes unacceptable spending cuts to education, health care, worker training and other critical initiatives at a time when we should be investing more in our nation's future, not less.

There is absolutely no higher priority for our families than providing a quality education for our children. While I support the intentions of last year's education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than $6 billion short of the resources promised for low-income and disadvantaged school districts, translating to a $19 million shortfall in North Dakota alone.

This bill also breaks a promise made earlier this year to put us on a path to fully funding the Federal Government's share of the cost of educating a special needs student. Further, it shortchanges educational funding for military and Indian children in federally impacted districts, under funds after-school learning programs, freezes funding for teacher quality grants, and eliminates vocational and career guidance funding in my State.

Not only does this bill fall short on critical funding for education, but it also includes inadequate funding for rural health care programs, including outreach grants and research, and slashes funding for the State Offices of Rural Health by more than 50 percent of last year's level.

Certainly, this bill includes provisions that I support. I was pleased that the Rural Education Achievement Program received a $2 million increase to help rural districts manage the No Child Left Behind Act's new accountability requirements. I was also pleased that this bill contains important funding increases for disease research at the National Institutes of Health (NIH) and the Centers for Disease Control (CDC), as well as critical increases in funding assistance to states for Medicaid funding.

I remain hopeful that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our nation's workers.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to the underlying bill and to the shortchanging of the nation's students, teachers, and schools.

We often hear about the need to leave no child behind. Yet, this budget leaves millions of children behind by underfunding vital education programs.

This bill falls short of providing funds to improve teacher quality, student achievement, and special education programs. The costs of higher education continue to increase, but this bill freezes the maximum Pell Grant award. We should do more to help students who face the daunting task of paying for a college education.

During these uncertain economic times, many families must rely on the incomes of two parents or on a single parent working more than one job. This bill does not provide enough funding for after-school programs which provides children with valuable learning opportunities and also helps children constructively use their time at the end of the school day.

While this bill will provide some funding to critical education programs, the bill does not do enough. It's time that we fulfill the promise to ''leave no child behind.'' This nation's families and schoolchildren deserve more.

On a separate issue, I oppose this bill because it undermines the nation's progress on scientific and medical research at the National Institutes of Health.

With a bipartisan effort in Congress and the leadership of the past two administrations, we have succeeded in doubling the budget for the National Institutes of Health over the last 5 years, increasing it from $13.6 billion in 1998 to $27.2 billion in fiscal year 2003. The hope, and in many instances the reality, is that these strong investments in biomedical research will encourage scientific advances that will ultimately translate into better health care for the American people, including better treatment and cures of devastating diseases like Parkinson's.

I am proud of this past national investment. However, I am very troubled that today's appropriations bill does not fully support the work and research of the National Institutes of Health. We should maintain a robust level of funding for NIH. We must continue a strong commitment to biomedical research funding so that medical advances can continue. Yet, this bill includes only a 2.5 percent increase—the smallest percentage increase in more than 15 years. The doubling effort was inspired, we should not reverse course and starve the research that we helped to spur.

Mr. REYES. Mr. Chairman, today I sought to offer an amendment that would have increased funding for dislocated worker employment and training programs under H.R. 2660, the FY 2004 Labor, Health and Human Services, and Education Appropriations bill by $88 million, from $1.46 billion to $1.549 billion, restoring funding for these essential services to their FY 2002 level. The bill before us today would freeze funding at last year's level.

In my congressional district of El Paso, TX, 20,000 workers have lost their jobs as a result

of the North American Free Trade Agreement—more than any other community in the United States. These job losses have left dislocated workers struggling to learn new skills that will allow them to find jobs that pay a living wage, and they have left El Paso with an unemployment rate that has soared into the double digits at times.

My district is not alone in facing these challenges. In communities across the country, workers have lost good jobs as a result of NAFTA. These workers desperately need Federal assistance to prepare them to successfully rejoin the workforce and provide for their families.

At a time when the national unemployment rate is at a 9-year high, this bill fails to provide additional, desperately needed funding to ensure that all dislocated workers get the services to which they are entitled. Unfortunately, these programs are just a couple of the many critical health, education, and worker programs that are woefully underfunded in the bill. And yet, this Congress recently saw fit to give millionaires a tax cut of at least $88,000 each.

Mr. Chairman, America's workers are the engines that drive our economy. We need to make sure that they have all the tools they need to help get it moving again, both for their sake and for the nation as a whole. Restoring funding for Federal dislocated worker programs would be a good start toward that goal, and toward putting our spending priorities back in proper order.

Mrs. DAVIS of California. Mr. Chairman, I must oppose the appropriations bill before us today because it shortchanges the children of America. This legislature has promised to fund its broad mandate called No Child Left Behind, NCLB. Compared to the authorizations promised when that vote was solicited, Every Child Is Left Behind.

Let me be specific for the children I represent.

Title I is the foundation of NCLB. Of course, the total dollars have been increased by $1 billion. However, the administration deleted $1.5 billion worth of over 40 specific, successful programs whose continued existence had been promised to gather support for the bill. It was then suggested that those programs could be paid for under the smaller increase in Title I, which was designed to cover additional programs the federal government has mandated for those students. However, even that increase does not match the promise. Others have noted that the appropriation for Title I is more than $6 billion less than the FY 2004 authorization. For California, that is $872,616,000 less than promised for the neediest, low-income children.

Similarly, when this House passed its reauthorization of the Individuals with Disabilities Education Act, IDEA, the FY 2004 authorization was to be a $2.2 billion increase. Yet, only six weeks later, you are offering an increase of only $1 billion! Why would you cut your commitment by 60% in six weeks? This amounts to a $129,826,000 reduction in federal support to California districts to pay this federal mandate. We continue to break the promise made in 1975 to fund 40% of the excess costs these special needs students require in order to be able to learn.

I represent a district with one of the largest aggregations of military bases and personnel in the country. The Impact Aid program helps provide for the school costs of military children whose families do not pay state income taxes, local sales taxes for commissary purchases, and property taxes if they live in federally supported housing. We are proud to have these families in our communities, but federal support to offset this loss of taxes is critical. Yet, this bill cuts is authorization commitment by $62,421,873 for California children.

After-school programs are critical to the children in my district. I was able to author legislation in the California legislature to provide funding to launch these after school services, and San Diego County has a wonderful program coordinating organizations and services for children before and after school. However, we still reach a small proportion of eligible and needy children. Federally promised funds are critical. Although NCLB authorizes $1.75 billion for FY 2004, this bill only appropriates 57% of that amount. California children lose $102,831,000.

The list could go on and on—just with promises made in NCLB—such as to fund teacher quality grants in order to be sure that every classroom will have a highly qualified teacher. Failure to adequately fund the level of Pell Grants for college students compared with the percentage of cost at a public institution that these grants initially provided is also highly disappointing.

There are other critical shortfalls as well. I must mention, in particular, the failure to continue the improvement in funding for the National Institutes of Health. In San Diego, we are privileged to have several eminent research institutions—Scripps Institute, the Salk Institute, The Burnham Institute, and the University of California at San Diego, to name a few—working on critical issues such as bioterrorism, cancer, diabetes, Parkinson's disease, Alzheimer's disease and the health of minority populations.

I understand the significance this funding holds for NIH to continue its work and for the numerous patients and communities that benefit from the results of this research. The scientific inquiries that these grants underwrite are the critical crucible for the incredible discoveries that have enabled many people with chronic and serious illnesses to continue to lead productive lives because of the resulting discoveries in drugs, medical devices, and health care strategies. Children will lose to preventable disease by undercutting scientific research.

Though I am pleased to see an increase in funding for our nation's mentoring programs, I am disappointed to see that this amount still comprises only half of the Bush Administration's request. The President took an important and long-overdue step towards recognizing the significance of mentoring in the lives of our children by proposing a robust increase in these programs. The mentoring relationship provides children and young adults with a stronger sense of self and instills them with new optimism for the future. All young people can benefit from the support of a mentor, and we should be doing all that we can to encourage the expansion of these critical programs.

We have heard repeatedly how many more dollars in specific programs under No Child Left Behind are appropriated in this bill. What those speakers don't say is how many dollars other programs authorized by the bill have lost. What else those speakers don't acknowledge is how much was promised as recently as week ago for the children of America. Smoke and mirrors don't belong in this debate.

The children of California are being shortchanged by over $1 trillion just in these programs. Under this bill, Every California Child Is Being Left Behind.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in reluctant opposition to this Labor-HHS Appropriations bill—for the investments it refuses to make and the promises it fails to keep for the American people.

I am profoundly concerned about the growing gap between what we say and what we do in this Congress.

We say we want a healthy America. But this Appropriations bill shatters a five-year bipartisan commitment to the NIH by funding the world's premiere scientific and medical research organization with a paltry 2.5% increase—the smallest in fifteen years. And the majority's solution to our nation's critical nursing shortage? A funding freeze for the Nurse Reinvestment Act. No new money at all.

For the growing ranks of our unemployed, a $150 million cut in the Community Services Block Grant program. That's less help for those left behind by the Bush economy—just when they need it the most.

Perhaps nowhere is the credibility gap between the Republican leadership's rhetoric and its honest-to-goodness priorities more glaring than in the area of education. Not three years ago, President Bush—the self-proclaimed ''education president''—signed the No Child Left Behind Act into law. In exchange for higher expectations and new, tough accountability measures to meet them, the President and the Congress promised students, states and school districts the requisite funds to get the job done. The bill we are asked to support today falls $8 billion short of that promise. It is an unconscionable abdication of our national responsibility.

When the Education and Workforce Committee—on which I sit—took up the IDEA bill this Spring, the committee's leadership repeatedly refused to make IDEA funding mandatory—arguing that the Republican party could be trusted to provide what was necessary for the proper education of children with disabilities. In a grandiose show of GOP commitment, the Chairman even went to the Budget Committee and announced he had secured an additional $4.6 Billion in authorized funding over the next two years for IDEA. Now we see the true colors: Less than 50% of the $2.2 billion authorized. And astonishingly, even less than the $1.4 billion authorized in the original bill. So much bluff and bluster.

Mr. Chairman, Appropriations bill are about so much more than dollars and cents. They reflect who we are as a people. Our values. Our priorities. And the course we wish to chart for the future. I believe this bill charts precisely the wrong course, and I urge my colleagues to defeat it.

Mr. STRICKLAND. Mr. Chairman, I will be voting against H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004, because, among many other deficiencies, the bill underfunds our nation's elementary and secondary schools and increases funding for the National Institutes of Health at a rate that does not keep up with that of medical research inflation. But I rise in support of language in the accompanying report regarding the Pension Benefit

Guaranty Corporation. Over the course of the past year, the PBGC has grown increasingly aggressive in terminating early the pension plans of private companies before the companies have asked PBGC to take control of their plans. PBGC has terminated the pension plans of many companies, specifically of those in the steel industry, during the last year to avoid paying benefits negotiated between a company and its workers prior to a plant's shutdown. I applaud the Appropriations Committee's attention to this matter and hope that the PBGC will discontinue this unfair practice and move to redress pensioners who have suffered from this past year's adjustment in policy.

Mr. LEVIN. Mr. Chairman, the completely inadequate appropriations bill before the House speaks volumes about the Majority Party's priorities. Over the last three years, they've locked in tax cuts that disproportionately benefit the very richest families in America—those with incomes of over $1 million a year. As a result of this reckless tax policy, the federal deficit has ballooned to over $400 billion this year and these budget shortfalls are projected to continue as far as the eye can see.

Another result of this tax policy is that we don't have the resources needed to fulfill the promises this Congress has made to the American people. The Republican budget passed earlier this year, which enabled the latest round of tax cuts, promised a $3 billion overall increase for education. The bill before us breaks that promise.

Funding for special education in this bill is $1.2 billion short of what was promised in the budget resolution. Funding for Pell Grants to help families afford the rising cost of a college education falls $410 million short, and the maximum Pell Grant award is frozen. Title I funding promised in the budget to help school districts meet the new accountability requirements of the No Child Left Behind Act falls $334 million short of what was promised. Funding for improving teacher quality and after-school programs is likewise significantly less than what was promised in No Child Left Behind.

The bill before the House also shortchanges medical research, low-income energy assistance, and healthy care for unemployed workers. The Majority likes to pretend that it can pass more than $2 trillion in tax cuts without any consequences. This is simply not true. The tax cuts—again, the lion's share of which disproportionately benefit the very wealthy—are being paid for by breaking promises made to adequately fund education, medical research, health care and energy assistance.

This bill is not worthy of anyone's support. I urge the House to defeat it.

Mr. BLUMENAUER. Mr. Chairman, the Labor, Health, Human Services and Education appropriations bill is a logical consequence of misplaced priorities in the budget resolution and tax cut proposals that have been pushed through the House of Representatives this year. Despite the overwhelming support from people in my community and around the country for investing in the future, and for funding our commitments in the President's signature No Child Left Behind legislation, this bill would systematically undercut funding promises. This Congress has authorized funding levels that would help school districts implement costly new programs and provide Pell Grants to help low-income college students struggling in a difficult economy. The House finds itself allocating far less than it authorized just months ago for IDEA programs. The administration's fiscal management leaves us with shamefully low funding levels for these programs and soaring budget deficits.

While our school districts fight their own fight back home, this Labor/HHS bill cuts education funding for Oregon's children by a total of $98,039,089 below the levels authorized by the No Child Left Behind Act and the IDEA Reauthorization Act. This is illustrative of the impact that will be felt in every state, and we ought to avoid this added burden on the nation's school systems.

At a time when so much has been done for a few who need help the least with massive tax cuts, it is unconscionable that we are not meeting obligations under prior legislation or even the minimal levels established under the Republican Budget resolution.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health and Human Services and Education Appropriations bill before us. This bill shortchanges critical education and health and human services programs, reverses the progress we have made in building up the National Institutes of Health (NIH) in recent years and fails to fulfill promises this Congress made to disadvantaged children. There is a theme developing in the 108th Congress and it is one of unfulfilled promises and inaction—whether it's special education, college aid or biomedical research—the Republican leadership talks about access and accountability while failing to provide for it.

In the last five years, Congress has worked in a bipartisan fashion to double NIH funding, something we were all able to go home and be proud of. This doubling of funding signified an unprecedented federal commitment to research and resulted in the beginning of some remarkable projects—many of which have the potential to end great human suffering caused by disease and epidemics such as diabetes, heart disease and AIDS. Federal researchers are even poised to make significant discoveries about what causes cancer. I am sorely disappointed to see that this year's proposed budget for NIH contains the smallest increase in 15 years—one that is less than the rate of inflation and cannot sustain the projects we worked together to begin in recent years and at the same time, provide for critical new initiatives. The proposed amount would provide just 21 new grants for all of NIH outside of bio-defense research. American citizens should not have to choose between life-saving research and bio-terrorism preparedness. Both should be priorities and both should be adequately funded.

The proposed budget for education also fails to recognize the rise in tuition costs, as it freezes the maximum Pell Grant—the primary federal grant for college and university studies for 5 million disadvantaged students—despite its declining buying power. As a result, these grants would finance only 38 percent of the cost of a public university. When Congress established the Pell Grant program, they covered 84 percent of the cost of study—clearly intended to play a significant role in increasing access to colleges and universities for lower- and middle-income individuals. The funding levels in H.R. 2660 would force students to take on increasingly large levels of debt to finance their college eduations—if they are able to pursue higher education at all.

Last year, we passed a landmark piece of legislation called the No Child Left Behind Act, which promised education reform to millions of American students. The time has come to fund that legislation—to fulfill the promise—and the money is not there. H.R. 2660 falls $334 million short of the $1 billion in Title I funds promised in the budget resolution to help school districts meet the challenge of new accountability requirements in No Child Left Behind. Just yesterday, we passed the Ready to Teach Act, which promised millions of dollars in teacher quality and preparation programs. Yet, the appropriations bill falls $350 million short of our earlier promise to fund teacher quality grants created in the No Child Left Behind Act. The result is that 54,000 fewer teachers will receive high quality, federally-supported professional development.

Earlier this year, Congress made it a priority to pass a $350 billion tax cut that overwhelmingly favored the wealthy—on top of the trillion dollar tax cut this same population benefited from in 2001. The Labor, Health and Human Services and Education appropriations bill—more than any other funding bill—sends a clear message to the children, the families and the working people of this country about our priorities. As Democrats, as Republicans, as Members of Congress—collectively, we know that education and health care are of the highest priority to the American people and that they want us to do more. Yet, the fact remains that the bill the Republican leadership presents us with does not reflect those priorities or provide the funding that they deserve. I urge all of my colleagues to vote against H.R. 2660.

Mr. CONYERS. Mr. Chairman, the bi-partisan passage of the Ready to Teach Act, with crucial Democratic amendments, and the teacher Recruitment and Retention Act of 2003 is a step in the right direction towards improving the standards of public education across this country. My Democratic colleagues and I understand that we must go beyond the empty promises and rhetoric of our Republican counterparts and put Americas tax dollars where they are truly need.

Unfortunately, today the House will vote on a Labor/HHS/Education Appropriations bill that will severely underfund education. This bill fails to deliver on a whopping $8 million dollars that was promised, but not delivered by the President's ''Leave No Child Behind Act.''

Mr. Chairman, unfortunately I am not surprised that my fellow Democrats and I are forced to stand here today to advocate for monies that are desperately needed to provide adequate education to our Nation's children. To make this lack of funding even more egregious, the Republicans promised America's children and parents last year, that no child would be left behind. I believe it is important that Americans know today that this Republican sponsored bill will:

Cut Title I grants by $16.15 billion dollars as compared to the funding levels called for by No Child Left Behind (NCLB). The children of Michigan will lose Title I grants totaling $202,981,000 dollars below the amount called for by NCLB.

Reduce IDEA grants, which are used by school districts to educate children with disabilities by $1.2 billion dollars as compared to that which was promised in the Republican IDEA Reauthorization Act. Michigan children with disabilities will lose $44,264,000 dollars in promised IDEA grants.

Shortchange children in need of constructive after-school activities by cutting funding for After-School Programs to $750 million dollars below the level promised in NCLB. As a result, Michigan children will be shorted $23,384,000 dollars in After-School Program funding.

Freeze funding for Teacher Quality Grants at $2.9 billion dollars. That is $350 million dollars less than the $3.3 billion promised in No Child Left Behind. Unfortunately, this translates into a loss of $10,172,000 dollars in promised Teacher Quality Grants for Michigan.

Leaves Military dependents behind by cutting $583 million dollars in Impact Aid program funds—well below the previously authorized funding level. Michigan military families will lose $5,054,632 dollars in Impact Aid.

Overall, abandons the promise Republicans set forth in their FY 2004 Budget Resolution wherein they committed to provide a $3 billion dollars increase over FY 2003 for the Department of Education. Instead, this bill provides only a $2.3 billion or 4.3 percent for this year. That is the lowest dollar increase in four years and the smallest percentage increase in eight years. The children of Michigan will lost a total of $311,052,632 dollars in education funds authorized in both the No Child Left Behind legislation and the IDEA Reauthorization Act.

Our commitment to educating our children is being undermined today. I appeal to my colleagues to honor our commitment to America's greatest treasury—our children. Let's pass an appropriations bill today that will fully and adequately support the education of America's children.

Mr. MATHESON. Mr. Chairman, I rise in opposition to this bill. Two years ago Congress and the President worked together on a historic piece of legislation: the No Child Left Behind Act. This bipartisan agreement exchanged tough accountability standards for significant financial resources to help local schools implement reforms. Everyone agreed that money alone would not improve schools. But, funding and reforms were to go hand in hand.

I had some concerns about provisions in No Child Left Behind and the burdens they would place on our local schools. But, I was reassured that with overwhelming, bipartisan support, Congress and the President would deliver the needed resources to make this effort a success.

Since the No Child Left Behind Act was signed into law in 2001, the federal commitment to provide the necessary resources has been broken. Congress has let our schools and our children down.

Our teachers are hard working, and our administrators know what they are doing. They continuously do much with very little. But, we are pushing our education system to the breaking point. Without adequate resources our local schools are struggling to meet tough new accountability standards. Despite provisions stating that states would not be required to spend their own resources on federal reforms, that is exactly what is occurring.

State budget shortfalls have already drained precious resources from our local schools. Constantly asking them to do even more with even less is the wrong pattern. it cannot reform or improve our schools. It will leave them unable to perform many of their core functions. It will eliminate quality, successful programs. And, it will drive teachers out of the education profession.

The federal pattern continues to be: promises made, promises unkept. Sadly enough, the promises being broken are those made to the next generation.

Providing a quality education for our children should be a top priority. However, as states are assembling their plans to assess and improve student performance, the federal government is eliminating the tools that would help them succeed. After-school programs that provide tutoring services have been cut. Resources to train and provide professional development for teachers are being reduced. The mandates should not continue if the requisite funding is not supplied.

The cornerstone of No Child Left Behind is Title I funding for schools serving large proportions of disadvantaged, low-income students. In order to raise the academic performance of these students, Congress promised incremental funding increases in Title I. For this fiscal year, $18.5 billion was promised. However, this appropriation bill would only provide $12.35 billion, continuing the pattern of breaking federal promises. In addition, Utah would receive nearly $4 million less than promised for after-school programs, $2 million less than promised for teacher quality programs, and over $8 million less than promised for Impact Aid that offsets the costs of education near military bases and Native American reservations.

These are not just numbers; they are tools: the resources that are critical to meeting new standards. Without the tools, our schools simply cannot work.

This legislation would also continue the pattern of failing to deliver on the promises made decades ago to provide 40 percent of the costs of special education. It would fund Utah at $11 million less than the amount promised by the House of Representatives this April when we reauthorized the Individuals with Disabilities Education Act.

Our nation and my state are facing tough economic times that require tough choices. But, it is shortsighted not to recognize the role of education in the prosperity of the next generation. It is an investment worth making. It is an investment we cannot afford to neglect. Keeping our commitments regarding education funding will be critical to training the teachers and educating the leaders of tomorrow. It is time for Congress and the President to work together in a bipartisan way to keep our promise.

Mr. DAVIS of Illinois. Mr. Chairman, there is not one Congressional District in our nation that will benefit from this Appropriations bill. I definitely know that my district will dramatically feel the effects of the cuts and the level funding for education, health care, and energy cost. Some of the best programs Congress has embraced and funded in the past suddenly seem to no longer be a priority.

Our young people who are in desperate situations will face dramatic cuts in the education provided to them. Low-income children attending Title I schools, children with disabilities, and young people trying to obtain a college education are facing the most critical budget cuts under education. Combined these students will lose over $1.6 billion—and this is not even including the $8 billion that is missing from Child Left Behind Act 2004 funding target. We are allowing an extra burden to be put on deficit stricken states, local school districts, communities, and working class families that are already trying to make ends meet in our sluggish economy.

The no increase in funding and cuts extend into our health care system. In my District, I have 25 hospitals, four of which are teaching hospitals. Like in many of the hospitals in other districts, the ones in my district are already feeling the effects from the fiscal crisis facing Illinois. This bill provides no increase for child immunizations, the Maternal and Child Health Block Grant and the National Health Service Corps, which provides student loan repayment for doctors and dentist who work in areas with shortages of health providers. We are all very aware of the nursing shortage facing our nation's health system and I was proud that last Congress we passed the Nurse Reinvestment Act to assist in the shortage. Yet not only is there no increase in funding for those programs, there is actually $7 million less than the President's request for the program that provides scholarships to nursing students who agree to work in areas with a serious shortage of nurses. Although there have been great advances and success stories in respect to fighting HIV–AIDS, there is a cut in the Ryan White AIDS Care programs. I am particularly disappointed that this bill cuts funding by 12 percent compared to 2003, in programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professionals schools.

Just two days ago, the Subcommittee on Education Reform had a hearing on the Community Service Block Grant (CSBG) and LIHEAP. I was very proud that one of the individuals' testifying was one of my constituents and also my dear friend, Dr. Mary Nelson from Bethel New Life, Inc. My colleagues that serve on the Subcommittee with me were all impressed by the great work that is being performed by Dr. Nelson and the other panelist. Yet we are cutting the funds that allow Bethel New Life, Inc. and the other organizations to expand community and economic development, provide energy assistance, housing, winterizations, nutrition and countless other exceptional programs that help families get out of and remain out of poverty. The CSBG will be cut by $151 million or 23 percent. LIHEAP is cut by 10 percent at a time when projections predict that natural gas prices will be at least 50 percent higher in the coming winter as more than half of LIHEAP recipients rely on natural gas.

Mr. Chairman, this bill just does not make any sense to me. Level funding programs may be considered sufficient but is considered a funding cut to me. We are hitting the programs that have already been cut and hit by the states. We are cutting funding for programs that are basic components to our society: education and healthcare. What does America stand for? What does out body stand for? This bill does not express the American values. This bill expresses that it is acceptable to cut the basic right of education, cut the ability to provide health care, encourage unequal opportunities, and keeping our citizens on the streets instead of having a warm place to sleep. Our body has worked together to pass some great pieces of legislation that will help our nations' schools, hospitals, and less fortunate—but those bills are just pieces of paper without the funding necessary to allow them to be effective.

Mr. HOLT. Mr. Chairman, on May 30th the Administration quietly issued a new regulation

that will put an additional financial squeeze on millions of college students and their families by cutting their deduction for state and local taxes in the student financial aid eligibility formula.

This new rule, which was finalized by the Department of Education without review or approval by the Congress, will effectively eliminate Pell Grant eligibility for some needy students and reduce Pell Grant awards and subsidized loans for other students.

The Pell Grant program is the cornerstone of federal student financial aid, providing assistance to nearly 4 million students. These grants are the foundation of their financial aid packages. Without them, it is likely that these students will not have enough money to go to school. And in our new highly-skilled work environment, a college education is more important than ever.

College is the best investment of a lifetime. We must take steps to ensure that higher education is within the reach of all Americans so that they are prepared to meet the challenges they will face in our increasingly competitive world.

This new rule, will force students to mortgage their futures by going further into debt to attend college.

For example, a family of four living in Pennsylvania, earning $63,000 a year, with one child attending college full time, would have to pay about $800 per year more toward college expenses.

A family of four living in New Jersey earning $45,000 a year with one child in college, attending full time, get an estimated $1,600 Pell Grant under the Bush regulation compared to a $1,700 Pell Grant under current regulations. For a middle class family, working hard to make ends meet in a poor economy, these are big differences.

This is happening just as attending college gets more expensive every month, with states and private institutions raising tuition and other costs.

The Labor, Health Human Services and Education appropriations bill before us does nothing to remedy this problem.

The new student aid state tax allowances created under this rule will reduce the state tax percentage deduction for nearly all students at a time when the state and local tax burden is going up, not down, for many families.

The Department's new state tax rates, however, are based on outdated data from 2000.

Since then, our economy has spiraled downward, and many states and local communities have had to increase taxes in order to offset budget shortfalls.

Nationwide, the Administration's regulation could result in the loss of hundreds of millions of federal assistance to students and families.

The Department of Education estimates that 84,000 students would lose Pell Grant eligibility altogether as a result of the regulation.

As the legislative process continues, I hope my colleagues will address this problem, which is making college less accessible to middle-class families.

Mr. SCHIFF. Mr. Chairman, when the House adopted and the President signed the most recent tax cuts, at a time when we are at war and in deficit, we knew the other shoe had to drop soon. And it has, Mr. Speaker, with a great thud, in the form of this year's Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2004 (H.R. 2660). The House Leadership has followed the passage of these irresponsible tax cuts with an appropriations bill which underfunds a host of important programs and initiatives while breaking many of the pledges the Leadership made when the House adopted the FY04 Budget Resolution.

We cannot extol the virtues of programs like Head Start and organizations like National Institutes of Health while adopting legislation which threatens their very existence. These actions abandon this Congress' responsibility to provide resources necessary to improve schools, protect public health, provide for America's seniors and disabled, expand opportunities to higher education, and seek cures for diseases that threaten the health of all Americans.

Mr. Speaker, we are starving our nation's most valuable programs. Last year alone, Head Start provided over 900,000 children with comprehensive early childhood education. But it is estimated that current funding levels leave behind over 40 percent of eligible children. This year I joined with Representative LORETTA SANCHEZ in spearheading a letter signed by ninety of our House Colleagues calling on the House Appropriations Committee to increase funding to the Head Start Program by $1 billion which would result in the enrollment of 87,000 additional children.

I remind you, Mr. Chairman, that Head Start is an extremely popular and effective program. In a 1999 study released by the President's Management Council indexing public support for and belief in government programs, Head Start rated a 94 percent, tops among all government programs. Moreover, studies have shown that the economic benefits of Head Start far exceed their costs, with one study showing that for every $1 spent by taxpayers, they received $7 in future benefits.

Yet, in the face of this data, with the passage of this legislation, we will close the door of the Head Start program to tens of thousands of deserving children and their families. This substandard funding increase means we will continue to leave nearly 40 percent of eligible children behind and severely undermine local Head Start organization' ability to provide training and technical assistance to teachers and parents.

But this bill will not only leave Head Start children behind. It will also shatter the promises Congress made to America's school children when it adopted the No Child Left Behind Act and the Individuals with Disabilities Education Act (IDEA). This legislation falls $8 billion short of fully funding No Child Left Behind and continues this Congress' deplorable record of underfunding IDEA.

Students seeking higher education fair no better under this bill. In 1975, when the Pell Grant program was instituted, it financed approximately 84 percent of the cost of attending a 4-year public college. Today, that number is down to 40 percent. Under this bill that number will drop to approximately 38 percent. In my own Southern California district, higher education costs have increased with California's growing budget deficit forcing public universities to substantially raise tuition costs. This same scenario is being played our across our nation and a continued shortage of grant assistance threatens the higher education aspirations of millions of young people.

By adopting this legislation we will effectively shift a greater burden of college costs to students and working families and will undoubtedly ensure that too many of our children either leave college with overwhelming debt or are shut out of higher education all together.

But state budget crises do not only affect education costs, they also endanger the health care safety net which millions of Americans have come to depend on for needed health care services. And yet, under this legislation, struggling community health centers, which provide primary care services to low-income Americans, find no relief.

In Los Angeles County alone, over 30 community clinics have been forced to shut their doors. Under this legislation these clinics and those that find themselves on the brink of closure will be provided no relief because any funding appropriated to community health centers will be used to expand health center sites where they have not existed in the past. At this bill's funding level, the lowest since 1998, we are forced to choose between scaling back our expansion initiative or underfunding existing centers. This is simply an untenable solution to a growing health care crisis that affects low-income Americans.

Finally, H.R. 2660 abandons this Congress' commitment to double the National Institutes of Health (NIH) budget thereby stifling improvements in science and medical research. This legislation increase NIH funding by 2.5 percent, an increase that according to NIH is not even enough to keep up with inflation in research costs. In comparison, over the last five years, Congress has adopted annual increase of 15 percent.

A funding increase which only allows NIH to introduce 21 additional research grants will not allow this agency to continue to provide our nation with the cutting edge research which we have come to expect.

Mr. Chairman, this legislation is inadequate. I urge my colleagues to oppose it and work to adopt legislation which adequately funds America's priorities.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Overall, the Republican Labor/HHS/Education bill under-funds the landmark No Child Left Behind Act by $8 billion, and provides the smallest percentage increase in education funds in eight years. To improve education, we must improve teacher training. But while the Republicans promise $300 million in the ''Ready to Teach Act,'' they have yet to fulfill their earlier promise to fund the teacher quality grants created in the No Child Left Behind Act.

To improve education, we must raise student achievement in all core subjects and improve early education opportunities. While the Republicans promise $17,500 in college loan forgiveness for math, science and special education teachers in the ''Teacher Recruitment and Retention Act,'' they refuse to provide the same incentives to teachers in other core subject areas such as social studies and Head Start.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls way short in special education funding promised under the IDEA (Individuals with Disabilities Education Act) reauthorization bill passed earlier this

year. While the IDEA reauthorization bill and the Republican budget resolution promised an increase of $2.2 billion, the Republican Labor/HHS/Education appropriations bill provides only $1 billion—a 55 percent shortfall.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls $334 million short of the $1 billion in Title I funds promised in the GOP budget resolution to school districts to help meet the challenge of the new requirements in the No Child Left Behind Act.

To improve education, we must provide after school programs. But the Republican Labor/HHS appropriations bill falls $750 million short of the $1.75 billion for after school centers promised in the No Child Left Behind Act.

To improve education, we must expand early childhood education programs. But the Republican Head Start reauthorization bill would end the high quality federal standards and comprehensive services that have made Head Start the premiere early education program for American toddlers.

To improve education, we must have education performance standards for early childhood education. But the Republican Head Start reauthorization bill would actually weaken standards for early childhood education programs.

To improve education, we must involve parents. But the Republic Head Start reauthorization bill would allow states to end the parental involvement that makes the program so helpful to disadvantaged children.

Two months ago, the Majority passed a conference report for the FY 04 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education. This bill falls far short of that commitment, and provides only a $2.3 billion (or 4.3%) increase—the smallest dollar increase for education in four years and the smallest percentage increase in 8 years.

Included in programs proposed for flat-level funding are Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, Perkins Loans, Leveraged Educational Assistance Program (LEAP, the state partnership program), and Graduate Education. Even though none of the programs were cut in this tight budget year, there is room for concern and disappointment.

Earlier promises to increase the Pell Grant maximum (currently $4,050) are just one example of where the bill falls short. Providing lower income students with access to college is critically important, especially in a year when Ohio and many other states are cutting appropriations for higher education.

Federal-sponsored loans, a repayable debt for students and parents, represent another 40% of the average financial aid package. Less than 8% of financial aid is provided by federal grants. Roughly an equal amount comes from State grant programs. Compared to the administration's request, the bill appropriates $271 million less for student financial aid.

For Pell Grants the bill appropriates $12.3 billion, which is $885 million (8%) more than the current level, but $465 million (4%) less than the administration's request. The bill maintains the maximum Pell Grant award at its current level of $4,050.

For Work Study this bill appropriates $1.0 billion, which is equal to the current level but $7 million less than the administration's request.

The Pell, SEOG, and Perkins Loan programs are especially critical for lower income families to make college accessible and affordable. Congress must do more to assure that they are not left behind. National polls indicate that 72% of Americans believe that student aid should be the highest priority of Congress. The current bill does not reflect this priority.

I received a letter today on behalf of the President of John Carroll University, Rev. Ed Glynn of the 11th Congressional District of Ohio that stated:

> I write to urge Congresswoman Tubbs Jones to vote against the Labor, HHS, Education Appropriations bill for FY 2004 when it reaches the House floor, possibly as early as this Thursday, July 10. . . . John Carroll University provides about 45% of the financial aid that goes to our students each year. This share is typical among private institutions. . . . Please vote ''no'' on the bill and thereby register your position that more funds be appropriated for student aid.

I rise today to reiterate my opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 2660, the Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2004. This is the second largest appropriations bill, funding many vital social programs.

I am pleased to report that the $138.036 billion in new budget authority and $134.765 in outlays for fiscal year 2004 in the committee-reported bill—as scored by the Congressional Budget Office—is within the 302(b) allocation adopted by the Appropriations Committee on June 17th.

Unfortunately, the spending level in the bill does breach the budgetary allocation ceiling for fiscal year 2003. It does so by shifting $2.2 billion that was advance appropriated for 2004 in last year's appropriations act back into 2003. This creates more room under the 2004 spending cap, but causes a breach of the 2003 cap. As a result, the legislation is in violation of section 302(f), which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution. The bill also violates section 311 of the Congressional Budget Act, which prohibits consideration of bills providing new budget authority that would cause the total level of budget authority and outlays established in a budget resolution to be exceeded. It is my hope that this violation of the budget resolution is the only one that occurs this year.

Since this bill has in the past been one of the more controversial spending measures, I am pleased that the House is moving this legislation sooner, rather than later, in the appropriations season. I hope that the level of appropriations for programs funded by the Labor-H bill will be determined—and finalized—before the Congress moves on to complete the smaller appropriations bills. I think it makes sense to determine the funding level for the many large and important programs this bill funds as early as possible, instead of relegating such discussions until the very end of the appropriations cycle.

On that score, I do have some concern that the specific levels of funding in this bill provided for certain high priority education programs may be artificially low, with funds being redirected to lower priority programs—many of which were recommended for reduction or termination by the President. Spending on IDEA, Title I and Pell Grants has increased rapidly in recent years, reflecting the strong support for these programs in the Congress. In this bill, funding for IDEA State Grants is $1.2 billion under the level authorized in the IDEA reauthorization bill passed by the House this year. The bill's $666 million increase for Title I is not insignificant, but it may be lower than the level sought by the majority of members. Finally, as pointed out in the Statement of Administration Policy, the funding level for Pell Grants appears to be less than the amount necessary to fund the maximum grant level established in this same piece of legislation. I am concerned that these problematic funding levels for key education programs in H.R. 2660 will ultimately result in a push to increase overall spending levels.

Despite these caveats, I believe the bill is a generous one. In fact, if the $138 billion funding level set in H.R. 2660 is enacted, the Labor-H bill will witness a 12.2-percent average annual growth rate between 2000 and 2004. This is much greater than the 7.7-percent growth rate in total discretionary spending during the same period. The budgets of two important agencies funded under the Labor-H bill—the Department of Education and the National Institutes of Health—have been doubled since the Republicans took over the Congress. I think that H.R. 2660 reflects the continued strong support by the Congress for these and other agencies funded by the Labor-H appropriations bill.

Mr. CARDIN. Mr. Chairman, this funding bill shortchanges an important program designed to prevent child abuse, reunify families, and promote the adoption of certain children in the foster care system. Under this legislation, the Promoting Safe and Stable Families program would receive only half its discretionary allocation. This inadequate funding level stands in stark contrast to President Bush's budget, which proposes full funding for the program. The bill also ignores a bipartisan plea from the Chairman and Ranking Member of the authorizing subcommittee to fully fund this important program.

The Promoting Safe and Stable Families Program (Title IV–B, Subpart 2 of the Social Security Act) provides grants to states for four kinds of child welfare services: family preservation, family support, time-limited family reunification, and adoption promotion and support. The program represents the most significant effort by the Federal government to support services that may prevent child abuse and neglect from occurring, and that help children move quickly from foster care to permanent homes. With over half a million children currently in foster care, and nearly one million cases of child abuse or neglect substantiated every year, funding for this program is vitally important.

If we really care about helping and protecting our most vulnerable children, then we should be willing to make at least a modest investment to achieve that goal. Congress has approved nearly $3 trillion in tax cuts for mainly wealthy Americans in less than three years. Surely, we can spend a tiny, nearly imperceptible fraction of that amount on preventing child abuse and on helping struggling families. As this debate moves forward, I hope we can

make progress on a goal President Bush laid out not only in his budget, but also in his 2000 campaign for the Presidency. Let's fully fund the Promoting Safe and Stable Families Program.

Mr. HINOJOSA. Mr. Chairman, we will never be able to close the achievement gap in education with the funding levels we see in this appropriations bill.

I applaud the efforts of the Chairmen and Ranking Members of the Committee and Subcommittee. They truly have done the best they could with the funds they were allotted.

Sadly, the majority and the administration have decided to allocate our federal resources elsewhere. They have chosen to squander the national surplus on tax breaks for the very wealthy. These tax breaks have been so important to them, that they have been willing to drive the nation into unprecedented debt to pay for them.

Meanwhile, Hispanic children are told that there is not enough money for their education. The Census Bureau just confirmed that Hispanics are the largest minority group in America.

Hispanics are also fueling the growth of America's workforce, accounting for one of every three new workers hired and are projected to be one of every two new workers by 2025. Yet, Hispanics continue to have the lowest levels of education attainment of any group in the country.

If we do not invest in advanced education and training for this emerging population, we put our Nation's economic foundation at risk.

The Congressional Hispanic Caucus, where I chair the Education Task Force, focuses on a group of Federal education programs that are critical to the Hispanic community.

These include Titles I and III of the Elementary and Secondary Education Act, migrant education programs, dropout prevention, HEP and CAMP, TRIO, GEAR UP, Hispanic-serving institutions and adult english as a second language. We call these programs the Hispanic Education Action Plan.

Unfortunately, the bill before us falls far short of the funding levels we need for these programs. I urge my colleagues to oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my disappointment at the failure of the Republican party to adequately fund vital programs in H.R. 2657, the ''Labor, HHS, Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. Chairman, we have failed our Nation. The Labor-HHS—Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our nation's schools and fails to live up to the many promises made by the Republican party.

When the ''Leave No Child Behind'' legislation was passed we all believed we were committed in a bi-partisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its FY 2004 budget resolution to provide a ''$3-billion increase from the previous year for the Department of Education.'' Despite that promise, H.R. 2675 bill provides only a $2.3 billion increase over FY 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's FY 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the Committee's action is that this bill falls $334 million short of the Majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the FY 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30th on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million school children. Consequently, other education programs will have to be reduced or local taxes will have to be raised to makeup the funds.

Perhaps the biggest broken promise by the Republican party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the FY 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past two years, only eight states in our union are not facing a severe budget crisis. The declining state fiscal crisis has forced states to make huge cuts in the budget of public colleges and universities. When states make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the Majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, federal health care is even more crucial to our communities.

Additionally, the state fiscal crisis are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help states and localities provide basic public health services.

The Majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The Committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the Administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Mr. Chairman H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The Majority Party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The Majority Party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the Majority Party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) 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. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for

the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2660 in the Committee of the Whole pursuant to House Resolution 312, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations, the majority leader or the minority leader or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 3, 4, 5, and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 6, which shall be debatable for 20 minutes; an amendment by Mr. OBEY regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by Mr. OBEY regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by Mr. OBEY, which shall be debatable for 10 minutes; an amendment by Mr. TANCREDO regarding school safety, which shall be debatable for 10 minutes; an amendment by Mr. ALLEN regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by Mr. TOOMEY regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like the assurances of the distinguished gentleman from Ohio that with respect to the amendments offered by the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from Pennsylvania (Mr. TOOMEY), that time would be yielded to the minority side as well.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I think the unanimous consent indicates that it would be equally divided.

Mr. OBEY. No. That is a different question. I just want to make certain that of the committee time in opposition to those two amendments, that the minority will be yielded some of that time.

Mr. YOUNG of Florida. Mr. Speaker, I would advise the gentleman there is no problem with that.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2660.

□ 1420

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 further consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or the ranking member of the Committee on Appropriations, the majority leader or the minority leader, or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 5 and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD numbered 6, which shall be debatable for 20 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by the gentleman from Wisconsin (Mr. OBEY), which shall be debatable for 10 minutes; an amendment by the gentleman from Colorado (Mr. TANCREDO) regarding school safety, which shall be debatable for 10 minutes; an amendment by the gentleman from Maine (Mr. ALLEN) regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by the gentleman from Pennsylvania (Mr. TOOMEY) regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

The Clerk will read.

The Clerk read as follows:

H.R. 2660

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, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding. I would like to take this opportunity to engage in a colloquy with my good friend from Ohio, but first I would like to compliment the gentleman from Ohio (Chairman REGULA) for the incredible work that he has done, once again, to put this bill together. He is again, as many have heard comments from both sides of the aisle today, one of the most respected and admired leaders in this House, and I am just proud to serve with him on the Committee on Appropriations.

The chairman has been a leader and a champion of funding for community health centers for many years now, and I appreciate the time he has given me on a regular basis to talk about the funding levels that are necessary to keep this wonderful program running. The chairman knows that the $122 million that is currently included in the bill is greatly appreciated. That would bring the fiscal year 2004 total to $1.627 billion.

However, there is great concern that this would not be enough to sustain the services at some health care centers, and that, in some cases, they could be forced to reduce services to existing patients as costs increase around the country. My purpose is simply to engage the chairman to ask for his consideration to continue working with us

to try to increase this number to the level of $225 million.

It is my understanding that Members of the other body are trying to work toward that goal; and if they are successful, we were hoping that we could also work in conference down the road to match that level. This would enable the program to serve 1.7 million additional patients, many of whom are uninsured. We all have examples from around the country from our congressional districts. In my case, health centers serve more than 28,000 people who would otherwise go without this care. We all have seen firsthand the good work that these great health centers are doing; and around the country, hundreds of thousands of Americans who would have no place else to turn are being served by these great people that work in these health centers.

I would just simply ask the chairman of the subcommittee that he would continue to work with us throughout this process to ensure that this program is provided an additional $225 million if at all possible in the final bill.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since I have become Chair of the committee in 2000, we have increased this program by $486 million, or nearly 50 percent. We recognize that in too many cases health centers provide the only access individuals have to our health care system.

Obviously, the health centers program within appropriated funds cannot solve all of the overall access problems. Nevertheless, with the continuing challenges to providing access, we will do our very best through the remainder of the process and within fiscal restraints to provide further increases for the program. I certainly will be pleased to work with the gentleman from Texas to reach that goal.

Mr. BONILLA. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Ohio. Again, I just want to reiterate my gratitude to the chairman of the subcommittee for advocating this program and for his help not only on this issue, but so many others in the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. OBEY:

Strike all after the enacting clause and insert the following:

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, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

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; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, 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, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 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, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further,* That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *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: *Provided further,* That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

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, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

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 for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended (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)), $1,338,200,000, 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, $142,520,000, together with not to exceed $3,472,861,000 (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, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, 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 2004 is projected by the Department of Labor to exceed 3,227,000, 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 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, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, 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, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, 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 Pension and Welfare Benefits Administration, $128,605,000.

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 through September 30, 2004, for such Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *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 the 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, $395,697,000, together with $2,056,000 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, $163,000,000, 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, 2002, 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, 2004: *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, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of the automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; 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''), $300,000,000, 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 of the Act for the first quarter of fiscal year 2005, $88,000,000, 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, $55,074,000, 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 2004 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)

Beginning in fiscal year 2004 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 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $23,401,000 for transfer to Departmental Management, ''Salaries and Expenses''; $338,000 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, $462,356,000, 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, 2004, 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 an occupational injury lost workday case rate, at the most precise Standard 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 not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2004 to September 30, 2005, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $276,826,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; 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, $442,547,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2004 through September 30, 2004, for Occupational Employment Statistics, and $5,400,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

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, $47,333,000.

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, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2005, and $48,565,000, 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; $387,801,000; together with not to exceed $317,000, 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 $193,443,000 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, 2004, 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, 2004 through June 30, 2005.

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, $57,000,000, together with not to exceed $5,899,000, 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, $18,000,000.

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. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

This title may be cited as the ''Department of Labor Appropriations Act, 2004''.

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, $6,639,413,000, of which $39,740,000 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, $248,000 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 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $273,350,000 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 $785,759,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further,* That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further,* That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *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 the abstinence education was provided: *Provided further,* That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

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, $3,389,000.

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 $3,472,000 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 hire, maintenance, and operation of aircraft, $4,803,927,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $293,763,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $150,000,000, to remain available until expended, for the ''International Mother and Child HIV Prevention Initiative'', and 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, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *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 $17,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 20 States: *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.

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, $4,816,568,000.

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, $2,930,136,000.

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, $389,780,000.

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, $1,701,959,000.

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, $1,527,588,000.

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, $4,340,707,000: *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.

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, $1,937,179,000.

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, $1,264,806,000.

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, $664,061,000.

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, $644,229,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,042,110,000.

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, $509,879,000.

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, $388,465,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $136,959,000.

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, $436,364,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,008,676,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,406,489,000.

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, $487,698,000.

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, $291,866,000.

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, $1,176,402,000: *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: *Provided further,* That $123,154,000 shall be for extramural facilities construction 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, $118,944,000.

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, $194,781,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $66,563,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $323,390,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided,* That in fiscal year 2004, 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.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $453,743,000: *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 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, $216,300,000, 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 of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,375,400,000: *Provided,* That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

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, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 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 2005, $58,416,275,000, 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 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, $95,084,100,000.

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 $2,698,025,000, 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, and together with administrative fees collected relative to Medicare overpayment recovery activities, 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 $65,000,000, to remain available until September 30, 2005, is for contract costs for the CMS Systems Revitalization Plan: *Provided further,* That $56,991,000, to remain available until September 30, 2005, 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: *Provided further,* That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 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.

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 2004, 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), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $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 for 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.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,250,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities 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), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided,* That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006.

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), $2,200,000,000 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 10 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

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, the Early Learning Opportunities Act, 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, 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, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,742,968,000, of which $43,000,000, to remain available until September 30, 2005, 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 in fiscal years 2001 and 2002; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $735,860,000 shall be for making payments under the Community Services Block Grant Act: *Provided,* That not less than $7,250,000 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, $6,000,000 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 $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further,* That $35,000,000 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.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

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, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

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.

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, $1,449,495,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006, 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, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 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, $11,885,000 shall be for activities specified under section 2004(b)(2), of which $10,157,000 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, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 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 is 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.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *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, $30,936,000, 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, $2,483,000: *Provided,* That in addition to amounts provided herein, $18,000,000 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 further,* That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 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

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,896,846,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,286,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000; *Provided further,* That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *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, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $100,000,000, 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 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. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 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. 207. 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 or any other 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. 208. 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, centers, and divisions 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. 209. 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. 210. 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. 211. 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. 212. 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. 213. (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, 2004 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 2004 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 2003, 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 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(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, 2004.

(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. 214. 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 2004, the Secretary of Health and Human Services 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. 215. (a) In addition to the authority provided in section 214, 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 2004, the Secretary of Health and Human Services 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)).

(b) 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.

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) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $98,000,000.

(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 $2.50 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. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(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.

SEC. 218. The amount appropriated in this Act for ''Centers for Disease Control and Prevention—Disease Control, Research, and Training'' is hereby reduced by $49,982,000, 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.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2004''.

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, $14,841,311,000, of which $7,277,510,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $7,607,282,000 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, 2003, to obtain 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 $1,920,239,000 shall be available for targeted grants under section 1125: *Provided further,* That $1,791,759,000 shall be available for education finance incentive grants under section 1125A: *Provided further,* That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further,* That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

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, $1,403,324,000, of which $1,192,000,000 shall be for basic support payments under section 8003(b), $66,668,000 shall be for payments for children with disabilities under section 8003(d), $54,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $72,000,000 shall be for Federal property payments under section 8002, and $17,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and 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''); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $6,141,812,000, of which $4,490,947,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That $390,000,000 shall be for subpart l of part A of title VI of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 of the ESEA.

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, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G and section 1504 of title I, parts A, C, and D of title II, and parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided,* That $74,513,000, to become available on July 1, 2004 and remain available through September 30, 2005, for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further,* That up to $1,500,000 of the funds provided under the Advanced Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out civic and physical education activities, safe and drug-free schools and communities programs, and partnerships in character education programs, 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''), $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for the academic year 2004–2005: *Provided,* That $468,949,000 shall be available for subpart 1 of part A of title IV and $155,180,000 shall be available for subpart 2 of part A of title IV, of which $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That of the amount made available for subpart 3 of part C of title II of the ESEA, up to $12,000,000 may be used to carry out section 2345 of the ESEA and $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the Elementary and Secondary Education Act of 1965, $750,000,000, of which $626,258,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $12,249,790,000, of which $6,890,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become

available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further,* That $1,490,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *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 2003, 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, and the Helen Keller National Center Act, $2,999,165,000: *Provided,* That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act.

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.), $16,500,000.

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.), $53,867,000, of which $367,000 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.), $100,600,000: *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 Applied Technology Education Act, 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''), $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided,* That of the amount provided for Adult Education State Grants, $70,000,000 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, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, 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, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further,* That funds made available to local educational 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, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,911,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,200.

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, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided,* That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $994,000 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 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,770,000, of which not less than $3,600,000 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, $774,000 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, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided,* That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

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, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

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, $91,275,000.

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, $48,137,000.

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, $120,010,000.

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.

This title may be cited as the ''Department of Education Appropriations Act, 2004''.

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, $65,279,000, of which $1,983,000 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.

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, $352,836,000: *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 2006, $330,000,000: *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 2004 by Public Law 107–116, up to $80,000,000 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 determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $20,000,000 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), $43,385,000, including $1,500,000, to remain available through September 30, 2005, 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.), $7,774,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, $238,126,000, 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, $9,000,000, 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, $2,830,000.

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, $243,073,000: *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, $11,421,000.

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), $10,115,000.

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, $119,000,000, which shall include amounts becoming available in fiscal year 2004 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 $119,000,000: *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, 2005, 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, $101,300,000, 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 $6,600,000, 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, $21,658,000.

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, $26,221,300,000, 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 2005, $12,590,000,000, 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 $8,410,000,000 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 $1,800,000 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 2004 not needed for fiscal year 2004 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, $120,000,000 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 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means 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, $25,000,000, together with not to exceed $65,000,000, 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.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

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.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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).

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. (a) Of the total amount appropriated for ''Education for the Disadvantaged'' in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Pub. L. 108-7, div. G)—

(1) the portion becoming available on July 1, 2003, is hereby increased by $2,244,000,000; and

(2) the portion becoming available on October 1, 2003, is hereby reduced by $2,244,000,000.

(b) The rescission made by section 601 of the Miscellaneous Appropriations Act, 2003 (Pub. L. 108-7, div. N) shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. 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. 517. 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. 518. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 32 percent.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, although I do not intend to take all of the time. I think we have already had the discussion; we might as well get to the votes just as quickly as possible. Let me simply explain what this amendment does.

The Republican majority, as I said earlier, made a conscious decision over the last 2 years to provide $2 trillion in tax cuts, all of which were paid for with borrowed money; and by doing that, they decided they were going to put the Congress in a box and the Congress would, therefore, not be able to adequately fund a number of crucial investments, including education and health. This bill now is suffering from the consequences of that action.

What we are trying to do by this amendment is to get the House to reconsider its decision. The gentleman from Texas said that those of us on the minority side of the aisle are desirous of raising taxes. This amendment does not raise taxes.

What we are asking this House to do is to limit the size of the tax cut for the 200,000 Americans who make more than $1 million a year. We are asking to limit the size of that tax cut to $44,000 instead of the $88,000 tax cut that they would otherwise get, so that we can use that money for the following:

In this amendment, which is one of two, we would simply reduce the size of that tax cut so that we could put $334 million into this bill for title I, which is the main education program that tries to help youngsters who need special help; but to get that help, we provide $334 million more to meet the promises of the Republican Party budget resolution. It is not our budget resolution; it is the budget resolution of our friends on the other side of the aisle.

We would also add $1.2 billion to the special education portion of the bill, again, so that we meet the Republican budget resolution promise. We would increase the Pell grant maximum grant by a modest $150 million, or 4 percent over the subcommittee bill. In the health area, we would provide $73 million of additional funding for community health centers. We would continue to rebuild the capacity of our public health system to respond to potential biological or chemical terrorist attacks. We would provide a 5.5 percent overall increase for NIH for biomedical research so that we can continue the progress that we have made on cancer, heart disease, Parkinson's, and many other diseases that plague mankind.

□ 1430

We would eliminate the cut of the Low Income Heating Assistance Program and provide $450 million more. We would provide $151 million more for community service block grants. We would provide $170 million in recognition of the fact that the Social Security Administration's backlog for approving and reviewing disability cases has risen from 400,000 to 600,000 cases.

As I said, what we are trying to do is to reestablish the linkage between actions taken on the tax cuts front and their implications for legislation such as the bill before us today.

So with that, Mr. Chairman, we have no further speakers on this side and I would simply seek a vote. And let me explain that if the gentleman lodges a point of order on this amendment, then what we will do instead of appealing the ruling to the Chair, what we will do instead is to simply at that point move to strike the enacting clause so that we can have a vote on whether or not you want to put the needs of millionaires for tax cuts ahead of the needs of our children for adequate education and health care.

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

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) claim time?

Mr. REGULA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, we had this debate on the Committee on Ways and Means jurisdiction on the issue of a tax cut. This is not the proper venue. This is the appropriations bill; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI.

Clause 2 of rule XXI states in the pertinent part: ''An amendment to a general appropriations bill shall not be in order if it changes existing law.''

The amendment amends existing law. Clause 5(a) of rule XXI states in part: ''A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures. And an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.''

The amendment is clearly legislation as well as a tax or tariff provision. And it is, therefore, in violation of the House rules.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, clearly if this point of order is upheld, what the majority would succeed in doing is, again, hiding from the public the practical consequences to education and to health care, worker protection programs of the majority party's past actions on tax cuts. What the majority party is trying to do is to use the rules to segment the discussion of the budget process so that one day without any context whatsoever, the House considers tax cuts and then after they have done that, then separately they consider what will happen to the rest of the budget. We think that is going to wind up with an unhealthy result for the public.

We do not control the House. Obviously, the majority party does; and so they have the capacity to use the rules that way. But when they do so, what they do, in my view, is to make meaningless virtually all debate and discussion in this House. And so if the gentleman insists on his point of order, we will have no choice but to concede it, and at that point I would simply then have a preferential motion at the desk which would ask that the enacting clause be stricken from this bill until such time as the House reconsiders its action on the tax package so that we do have room in the inn for the children this bill is supposed to serve.

The CHAIRMAN. For the reasons stated by the gentleman from Ohio (Mr. REGULA) and on the concession of the gentleman from Wisconsin (Mr. OBEY), the point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his preferential motion.

Mr. OBEY. Mr. Chairman, we have taken this action out of courtesy to the Chair. But I feel very strongly about the vote that this motion will trigger.

When we are together in a bipartisan fashion, as we have been on some occasions in the past 8 years, we have produced good pieces of work and both political parties have justly been proud of the outcome. But right now this House is locked in the clutches of an ideological majority which has decided that at all costs they will put tax cuts primarily targeted at the most wealthy people in this country ahead of every other legitimate need. So they have passed $2 trillion in tax cuts, all paid for with borrowed money; and then when the labor-health appropriations bill comes to the floor, they say, ''Oh, I am sorry. We have to stop the progress at NIH. I am sorry, we cannot have any expansion of research this year for cancer or for Parkinson's or diabetes or for any of the other diseases that plague people. I am sorry, we cannot even meet our own promises for title I in the education bill. I am sorry, we cannot meet our promises to children who require special help because of disabilities. I am sorry, we cannot meet those promises because, you see, we have already spent the money on the tax cut.''

So what we are saying is: ''Look, take this bill back to committee, strike the enacting clause so that the bill can go no further, go back and reconsider, go back and reconsider and allow us to vote on shaving the size of that tax bill.'' Only for the top. All we are talking about is to take a look at the size of the tax bill, or the size of the tax cuts, I should say, that are provided to people who make more than a million dollars a year. Right now they are scheduled to get an $88,000 tax cut. We are saying if you shave that in this amendment to only $70,000, you can meet the education needs of the country; you can meet the health care needs of the country. You have spent $2 trillion on tax cuts, and now you are telling us there is not room in the end for $2.8 billion in education funding and in health care funding? That is what you are telling us.

You built the box in which you are now locked; and you are saying, ''Gee whiz, we do not have a key.'' This is the key. So if you vote for this motion, you will be voting to send this bill back to the committee until this House comes to its senses and says to our friends, the 200,000 of them who make over a million dollars a year, ''Folks, we love you. We hope everybody can see the day when they will make a million dollars, but we ask you to take just a little bit less so we can provide funding in this bill for education and health care and other needed public services.''

I would bet you that 90 percent of the people who are going to get those giant-size tax cuts would say, ''You bet. We think we would rather see those investments in children before getting this superduper-sized tax cut.'' I have enough confidence in their patriotism and their concern about the future of this country that they would make that choice even if a majority of this House seems to not want to make or even confront that decision.

Mr. Chairman, I would ask for an ''aye'' vote on the motion.

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

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes in opposition to the motion.

Mr. REGULA. Mr. Chairman, I would be interested in checking with Treasury to find out how many people would voluntarily return their tax cuts. I would daresay it will be few.

I want to point out once against that this budget is double what it was 8 years ago when we took over for all of these good things. Having said that, I oppose the amendment. I hope my colleagues will vote ''no'' on this amendment.

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

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

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 199, noes 222, not voting 13, as follows:

[Roll No. 347]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
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
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
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
Kleczka
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
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan

Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, 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 (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
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
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
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)
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
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
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
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Conyers
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Kingston
Millender-McDonald
Owens
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1500

Messrs. GARRETT of New Jersey, PAUL, McINNIS, Mrs. MYRICK, Mr. RAMSTAD and Mr. GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Mr. SCOTT of Georgia changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, had I been present for rollcall vote Nos. 346 and 347, I would have voted the following way: Rollcall vote No. 346, on Approving the Journal—''yea''; rollcall vote No. 347, strike enacting clause of H.R. 2660—''nay.''

Mr. REGULA. Mr. Chairman, as the gentleman from Wisconsin (Mr. OBEY) and myself are making every effort to expedite this bill today, I, therefore, ask unanimous consent that the remainder of the bill, through page 91, line 17, 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 2, line 5 through page 91, line 17 is as follows:

TRAINING AND EMPLOYMENT SERVICES

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; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, 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, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 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, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 of such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further*, That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *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: *Provided further*, That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

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, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

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 for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974 as amended (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) $1,338,200,000, 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, $142,520,000, together with not to exceed $3,472,861,000 (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, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, 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 2004 is projected by the Department of Labor to exceed 3,227,000, 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 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, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, 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, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, 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 $128,605,000.

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 through September 30, 2004, for such Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *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 the 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, $395,697,000, together with $2,056,000 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, $163,000,000, 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, 2002, 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, 2004: *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, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations including document imaging, centralized mail intake and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; 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''), $300,000,000, 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 of the first quarter of fiscal year 2005, $88,000,000, 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, $55,074,000 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 2004 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)

Beginning in fiscal year 2004 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 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $23,401,000 for transfer to

Departmental Management, ''Salaries and Expenses''; $338,000 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, $450,008,000, 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, 2004, 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 an occupational injury lost workday case rate, at the most precise Standard 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.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $266,767,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; 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, $437,152,000, together with not to exceed $75,110,000, 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, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans; $48,565,000 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 management process to assure a sound investment strategy; $252,701,000; together with not to exceed $317,000, 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 $193,443,000 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, 2004, 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, 2004 through June 30, 2005.

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, $60,896,000, together with not to exceed $5,899,000, 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, $18,000,000.

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.

This title may be cited as the ''Department of Labor Appropriations Act, 2004''.

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, $6,252,256,000, of which $39,740,000 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, $248,000 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 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $273,350,000 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 $753,317,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further,* That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is for carrying out special projects of regional and national significance pursuant to section 501(l)(2): *Provided further,* That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *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 the abstinence education was provided: *Provided further,* That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

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, $3,389,000.

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 $3,472,000 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 hire, maintenance, and operation of aircraft, $4,588,671,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $242,569,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $100,000,000, to remain available until expended, for the ''International Mother and Child HIV Prevention Initiative'', and 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, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *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: *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.

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, $4,770,519,000.

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, $2,867,995,000.

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, $382,396,000.

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, $1,670,007,000.

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, $1,468,926,000.

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, $4,335,255,000: *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.

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, $1,923,133,000.

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, $1,245,371,000.

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, $648,299,000.

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, $630,774,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $994,411,000.

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, $502,778,000.

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, $380,377,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $134,579,000.

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, $430,121,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $995,614,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,382,114,000.

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, $478,072,000.

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, $282,109,000.

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, $1,053,926,000: *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, $116,202,000.

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, $192,724,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $64,266,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,040,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided,* That in fiscal year 2004, 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.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $317,983,000: *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 up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

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, $80,000,000, 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 of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,329,000,000: *Provided further,* That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

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, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 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 2005, $58,416,275,000, 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 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, $95,084,100,000.

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 $2,698,025,000, 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, and together with administrative fees collected relative to Medicare overpayment recovery activities, 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 $65,000,000, to remain available until September 30, 2005, is for contract costs for CMS' Systems Revitalization Plan: *Provided further,* That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further,* That $129,000,000 shall be for processing Medicare appeals: *Provided further,* That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 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.

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 2004, 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), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $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 for 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.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $100,000,000: *Provided,* That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act, and notwithstanding the designation requirement of section 2602(e).

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities 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 section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 shall be available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided,* That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities, to remain available through September 30, 2006.

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 5.5 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which, $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

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, 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, 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, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,599,670,000, of which $43,000,000, to remain available until September 30, 2005, 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, 2004; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $577,562,000 shall be for making payments under the Community Services Block Grant Act: *Provided,* That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *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 $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further,* That $50,000,000 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.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

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, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

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.

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, $1,377,421,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006 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, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 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, $11,185,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 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, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 is 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 is 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.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *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, $30,936,000, 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, $2,483,000: *Provided*, That in addition to amounts provided herein, $18,000,000 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 further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 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 U.S. 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

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,726,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,116,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000: *Provided further*, That at the discretion of the Secretary of Health and Human Services, these amounts may be transferred between categories subject to normal reprogramming procedures: *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, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $50,000,000, 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 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. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 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. 207. 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. 208. 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, centers, and divisions 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. 209. 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. 210. 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. 211. 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. 212. 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. 213. (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, 2004 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 2004 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 2002, 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 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(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, 2004.

(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. 214. 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 2004, the Secretary of Health and Human Services 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. 215. (a) In addition to the authority provided in section 214, 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 2004, the Secretary of Health and Human Services 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)).

(b) 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 excercised 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.

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) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $98,000,000.

(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 $2.50 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. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(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.

SEC. 218. The amount appropriated in this Act for ''Centers for Disease Control and Prevention—Disease Control, Research, and Training'' is hereby reduced by $49,982,000, 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.

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, $14,507,000,000, of which $6,943,199,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $7,172,971,000 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, 2003, to obtain 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 $3,018,499,000 shall be available for targeted grants under section 1125: *Provided further,* That $793,499,000 shall be available for education finance incentive grants under section 1125A: *Provided further,* That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further,* That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to state and local educational agencies concerning part A of title I.

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, $1,238,324,000, of which $1,073,000,000 shall be for basic support payments under section 8003(b), $50,668,000 shall be for payments for children with disabilities under section 8003(d), $44,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $62,000,000 shall be for Federal property payments under section 8002, and $7,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, part A and 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; and the Civil Rights Act of 1964, $5,797,637,000, of which $4,296,772,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $390,000,000 shall be for subpart l of part A of title VI of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act.

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, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, parts A, 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, $807,959,000: *Provided,* That $74,513,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall become available on July 1, 2004, and remain available through September 30, 2005, and shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further,* That up to $1,500,000 of the funds provided under the Advanced Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

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, $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for academic year 2004–2005: *Provided,* That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345: *Provided further,* That of the funds available for subpart 2 of part A of title IV, $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $685,515,000, of which $560,543,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,049,790,000, of which $5,690,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $11,400,000 shall be for Recording for the Blind and Dyslexic 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 2003 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, and the Helen Keller National Center Act, $2,999,165,000.

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.), $16,500,000.

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.), $53,867,000, of which $367,000 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.), $100,600,000: *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 Applied Technology Education Act, and 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, as amended, $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided,* That of the amount provided for Adult Education State Grants, $70,000,000 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, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, 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, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further,* That funds made available to local educational 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, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,247,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 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, $120,010,000.

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, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: *Provided,* That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $994,000 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.), $242,770,000, of which not less than $3,600,000 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, $774,000 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, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided,* That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

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, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, DC.

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, $91,275,000.

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, $48,137,000.

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.

This title may be cited as the ''Department of Education Appropriations Act, 2004''.

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, $65,279,000, of which $1,983,000 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.

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, $352,836,000: *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 2006, $330,000,000: *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 2004 by Public Law 107–116, up to $80,000,000 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 $20,000,000 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), $43,385,000, including $1,500,000, to remain available through September 30, 2005, 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.), $7,774,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, $238,126,000 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, $9,000,000, 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, $2,830,000.

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, $239,429,000: *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, $11,421,000.

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), $10,115,000.

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, $119,000,000, which shall include amounts becoming available in fiscal year 2004 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 $119,000,000: *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, 2005, 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, $101,300,000, 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 $6,600,000, 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, $21,658,000.

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, $26,221,300,000, 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 2005, $12,590,000,000, 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 $8,241,800,000 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 $1,800,000 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 2004 not needed for fiscal year 2004 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, $120,000,000 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 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2003 shall be available to continue Federal-State partnerships which will evaluate means 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, $24,500,000, together with not to exceed $63,700,000, 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.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

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.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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).

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. (a) The matter under the heading ''Department of Education—Education for the Disadvantaged'' in division G of Public Law 108–7 is amended—

(1) by striking ''$4,651,199,000'' and inserting ''$6,895,199,000''; and

(2) by striking ''$9,027,301,000'' and inserting ''$6,783,301,000''.

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 516. 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. 517. 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.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise a point of order against section 217(B) on page 57, lines 7 through 25, and page 58, lines 1 through 24, of this bill, H.R. 2660, 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 CHAIRMAN. Does anybody wish to be heard on the gentlewoman's point of order?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise this point of order respectfully and regretfully, but it is important that this section be struck. In 2001, I helped author and pass in this House a requirement that providers be required as of this October to submit all Medicare claims electronically. Because most electronic billing systems eliminate inaccurate and duplicate claims, the user fee is unnecessary, as Medicare will get dramatically fewer mistakes after October. Harnessing a new claims processing and billing technology is preferable to using a punitive, per-claim tax to reduce mistakes.

In addition, current law gives small providers the leeway that they need. Hospitals with fewer than 25 full-time employees or a physician practice with fewer than 10 full-time employees are exempted from this requirement.

In sum, the current law that goes into effect October 1 covers this matter and provides the proper small business exemption. But in addition, the issue of what is a clean claim can be a very controversial issue and intermediaries have enormous power in this matter.

Mr. REGULA. Mr. Chairman, we concede the point of order. I am just trying to save some time here.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman, and I would be happy to work with him to see if we can resolve this problem, because I appreciate the gentleman's dedication to giving CMS the administrative funds they are going to need to implement some of the reforms. I look forward to working with the gentleman on that.

Mr. REGULA. Mr. Chairman, we concede the point of order, and we will work together to solve this problem.

The CHAIRMAN. The point of order is conceded, it is sustained, and the provision is stricken.

AMENDMENT NO. 5 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEREUTER:

In the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—HEALTHCARE RESEARCH AND QUALITY'', insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 912(b)(2) of the Public Health Service Act (42 U.S.C. 299b–1(b)(2))

The CHAIRMAN. The gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

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

Mr. BEREUTER. Mr. Chairman, this amendment requires the Agency for Healthcare Research and Quality to spend $12 million for the conduct of research on the comparative effectiveness, cost effectiveness, and safety of drugs, biological products and devices under their existing authorization.

This is a priority-setting amendment that is intended to ensure that objective scientific research on prescription drugs continues or is accelerated in fiscal year 2004. This, unfortunately, may not be an increase in spending for this purpose, but the $12 million figure is the amount the agency estimates it currently spends on this effort to assess the efficacy of drugs.

This amendment does not require new money to be spent. Instead, the amendment earmarks $12 million for the total amount yielded to what is called the AHRQ for such research. This Member wishes it could be more; and in fiscal year 2005, it should, pending good results, be dramatically increased.

The amendment also demands accountability by requiring the agency to actually and productively spend such funds on this initiative.

Mr. Chairman, while the Food and Drug Administration is charged with assuring the safety of pharmaceuticals that are approved for the marketing, clinicians, patients, health plans, insurers, and those financing health care services need additional help in making informed choices among pharmaceuticals. They need objective scientific information regarding the effectiveness, quality, and cost effectiveness of new drugs in comparison with existing alternatives, especially when the new drugs cost much more than those that are now on the market.

While the responsibility for developing this type of scientific research was assigned to AHRQ and reinforced by two different authorizing acts, the Congress has never provided AHRQ with the adequate resources necessary to carry out that important mission. Additional pharmaceutical research conducted by the AHRQ would also be beneficial, for example, to the Medicaid program.

Specifically, AHRQ's research can help State Medicaid programs better target their health care dollars. By a research initiative, for example, the AHRQ recently demonstrated that children with a common ailment, middle ear infection, recovered just as effectively after treatment by one of several antibiotics as they do from treatment by more expensive brand-name products. This is precisely the type of information that State Medicaid programs need to guide coverage decisions on a whole range of medical conditions, but

by and large such objective research findings do not exist for most health conditions.

Additional research on anti-inflammatory drugs, cholesterol treatment drugs, and drugs to treat other medical conditions would also be beneficial in the development of Medicare prescription drug benefits. Perhaps the AHRQ should conduct research on the clinical appropriateness and cost effectiveness of the 50 drugs most frequently prescribed for senior citizens. The findings would certainly be interesting; and this Member believes that, overall, it would result in greater cost effectiveness, greater drug efficacy, and, therefore, lower cost to the patients and the American taxpayers.

Mr. Chairman, Americans deserve the best health care for their dollar. The goal of this amendment is to provide clinicians, patients, health plans, insurers, and others financing health care with the credible, objective information on the benefits, risks, and costs of prescription drugs so they can make informed decisions about the prescriptions they consume and prescribe.

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

Mr. REGULA. Mr. Chairman, I seek the time in opposition to the amendment. However, I am willing to accept the gentleman's amendment with the understanding that in preparation for conference we will learn more about its impact on the administration and the Members' priorities.

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

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, in deference to all, and the time constraints we are under, I will not take the full minute, but I do want to say that often very small amendments are extremely important. This amendment is absolutely key to reducing the costs of drugs.

There are many expensive products on the market that are no better than aspirin, and we need to be able to demonstrate that and provide senior citizens and all Americans with that information so they can choose the most cost-effective, medically effective pharmaceutical for their particular needs. I commend the gentleman from Nebraska on his amendment.

Mr. BEREUTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Nebraska has 1 minute remaining.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time to, first of all, thank the gentlewoman for her comments, and I also thank the chairman for his comments and his remarks regarding securing information about the impact.

I do believe that the research estimate of $12 million probably includes not only contract services but also direct grants. I want to make sure that we have not too specifically prescribed the authorizing subsections so that we cover all the contracting and the grants that are made for this purpose. So it would be good to look at that, because last-minute information coming to us may have provided that when we were actually too very specific by specifying the subsections.

With that information, Mr. Chairman, I ask Members for their support on the amendment.

Mr. NETHERCUTT. Mr. Chairman, I support the gentleman from Nebraska's efforts to provide Americans with information in order to make educated decisions about their health care needs. However, I have concerns with his amendment. Though the gentleman's amendment does not change the Agency for Healthcare Research and Quality basic statutory authority, it does increase funding for comparative and cost-effectiveness studies by the AHRQ. I am fearful that by earmarking new funds for this explicit purpose, it may set AHRQ in the wrong direction.

I support efforts to reduce prescription drug costs by educating patients about what medicines best treat their ailments, allowing individual patients to make their own decisions about their health care needs. However, I fear that by promoting this amendment as a way to cut prescription drug costs it will turn comparative and cost-effectiveness studies into a means of implementing health care rationing by federal agencies such as the Centers for Medicare and Medicaid Services. An agency that calls itself a "big dumb price fixer." The answer to reducing health care costs is not by limiting patient access to the treatments they need.

I am concerned that government-run cost-effectiveness studies being promoted as a cost control tool will allow CMS to use these studies to pick and choose which medicines should and should not be available to patients. Making determinations in this way are biased against newer treatments that can cost more up-front but save more over time.

In short, this amendment encourages the federal government to direct medical care and promotes a "one-size-fits-all" approach to medicine which is bad for patients.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

The CHAIRMAN. Points of order are reserved; and pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume; and I do offer an amendment, which is printed in the RECORD as No. 6.

Mr. Chairman, I rise in recognition this afternoon of the ultimate sacrifice that thousands of our Nation's coal miners who have perished from the crippling disease known as pneumoconiosis, or black lung, have made to the energy security of this Nation.

Today, I rise to extend condolences to the families of coal miners who died as a result of years of inhaling coal dust in our Nation's mines. Today, I rise to give hope to those who on this day descend deep into the Earth to produce a coal which fostered the industrial revolution in this country and which now fires the technological revolution. I rise in humble gratitude to them, and I say, thank you.

And I rise in anger as well, Mr. Chairman, because despite the fact that the Congress in 1969 passed landmark legislation to put an end to black lung disease contracted over years of inhaling respirable coal dust in the mines, annually around 1,400 miners still perish from this disease.

□ 1515

Yet this administration, the Bush administration, incredibly has proposed a regulation which would allow a fourfold increase of respirable dust in the coal mines. If made final, that regulation would directly translate into more deaths among our Nation's coal miners.

I have asked that this proposed regulation be withdrawn. The United Mine Workers of America have asked that it be withdrawn. Hundreds, if not thousands, of rank-and-file miners across this country have asked that these regulations be withdrawn.

In response, the administration has simply extended the public comment period. It is not going to withdraw these regulations. And why would it when the Assistant Secretary of Labor in charge of this issue was the very person who petitioned for these regulations when he served in the private sector? Imagine that.

Today I hope to give the coal miners a fighting chance by offering this amendment to block the Department of Labor from finalizing these ill-conceived proposed regulations. Enough is enough. Over 55,000 coal miners perished from black lung between 1969 and 1990, and still today 1,400 a year pass away as a result of it.

The poster to my right clearly illustrates what a coal miner faces from black lung. To the left is a healthy lung tissue. On the right, the far right, is a tissue sample of a 40-year-old coal miner. Compare that to the sample in the middle of a 90-year-old person.

To quote from the Louisville Courier-Journal which once described this disease in this manner, "It is as if the Titanic sank every year, and no ships

came to the rescue. While that long-ago disaster continues to fascinate the Nation, the miners slip into cold, early graves almost unnoticed.''

This amendment would prohibit the Department of Labor from finalizing these proposed rules while allowing continued research and development on devices such as personal dust monitors. I want to emphasize that last point. This amendment still allows the continued research and development on devices supported by both the industry and the union known as PDMs, or personal dust monitors. I am not stopping research and development of those devices from continuing. The intent of this amendment is to cause MSHA to withdraw the proposed rule and re-promulgate it in accordance with the letter and intent of the Mine Safety Act in order to improve the dust sampling and compliance regulatory program. I urge a yes vote on the Rahall amendment.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind Members that the use of audible electronic devices on the House floor is prohibited.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 10 minutes.

Mr. REGULA. MR. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the amendment before us is unnecessary and potentially harmful. Simply put, it would restrict the Mine Safety and Health Administration's ability to protect miners from coal dust exposure until October 2004.

The proposed amendment is unnecessary because the Agency has already moved to suspend regulatory action on these rules until testing of revolutionary coal dust monitoring technology is completed. As a result, this amendment is not only needless, but could work to delay improved coal dust rules for perhaps several years to come, and I think it must be rejected. To do otherwise would be a great disservice to the miners these rules are designed to protect without any logical purpose.

Let us look at the facts. On June 24, 2003, the Agency suspended its proposed rule in this area. The reason for the delay is clear. The first field test of new coal dust monitoring technology, called personal dust monitors, showed genuine promise, so much so that the PDMs could represent a potential revolution in monitoring miners' exposure to coal dust, and MSHA concluded that additional tests should be conducted before moving forward on this proposed rule.

This is more than lip service. This appropriations bill already provides $250,000 to purchase 25 additional PDMs for testing in underground mines, and this additional testing is supported by both the mining industry and the miners' union. Most importantly, I have been assured that until the testing provides sufficient, reliable information in this area, no further regulatory action is to be taken.

The Agency's actions are reasonable and prudent because significant portions of the coal dust rules could be affected if PDMs prove to be as effective as early tests might indicate. This testing will take time, and that is why the Agency will not move forward with this testing until they have more reliable data.

Unfortunately, the amendment would prevent MSHA from acting on this issue and could have the unintended consequence of delaying a new rule that would utilize PDMs to their fullest potential.

So for these reasons I would hope Members would join me in rejecting this amendment. The Agency has suspended its proposed rule to implement further testing of PDMs, and this should be more than adequate to address any concern over the implementation of these new devices.

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

I would add that we have money in the bill to study these, and I would hope that the gentleman would withdraw his amendment. It really is unnecessary in light of the Agency's action. They received a lot of negative comments on the proposed rule, and for that reason have withdrawn it.

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

I appreciate what the gentlemen are stating. In response to the gentleman from Ohio (Mr. REGULA), there is funding for these PDMs. Research and development is provided elsewhere in the Department of Labor budget. It is under the budget for NIOSH.

In regard to what the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Ohio (Mr. REGULA) have said, MSHA did not suspend the proposed rule. I know what they stated. They stated they were suspending the proposed rule in a press release. That is not the case. The notice of this action in the Federal Register, and that is what counts, what is said in the Federal Register, the notice of this action in the Federal Register simply notes that the Agency was keeping the comment period open until further notice. It is not stated as a suspension in the Federal Register.

What MSHA said in a press release does not match the facts, the reality, on the other hand as it appeared in the Federal Register. So it is not a suspension. There is no legal basis for suspending a proposed rule, and it cannot be done. In its guide for Federal agencies, the Office of the Federal Register advises that the term ''suspend'' applies only to blocking enforcement of existing final rules. The term does not apply to proposed rules. When agencies want to halt action on proposed rules, according to the guide, they withdraw the rules; and that has not occurred here. These proposed rules have not been withdrawn, and that is why my amendment is seeking to force the issue.

In regard to further research and development into the PDMs, as I clearly stated in my opening comments on this amendment, I am in no way blocking continued research and development into the development of these PDMs. Both the unions and the companies want this research to continue. My amendment does not block that research.

The amendment blocks MSHA from finalizing the proposed rule. It does not restrict MSHA from engaging in any other activity related to the proposed rule other than making it final. Second, there is nothing in the proposed rule that involves funding R&D into PDMs. The proposed rule does not contain funding, and if made final would not provide funds for PDM deployment. So for that reason I think my amendment is on solid ground, and I would urge the adoption thereof.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I would like to ask a question. As I listened to the remarks of the gentleman from West Virginia (Mr. RAHALL), I was struck by something the gentleman said. Did I hear that the Assistant Secretary of the Department of Labor who is in charge of the proposed rule regarding coal dust rules was the very person who petitioned for these regulations when he served in the private sector?

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

Mr. STRICKLAND. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman from Ohio is correct. The Assistant Secretary of Labor for Mine Health and Safety, David Lauriski, was the general manager of a coal company known as Energy West, and was the very person who filed in September 1997 a petition asking for the rulemaking he is now in charge of administering.

Mr. STRICKLAND. Mr. Chairman, that is incredible. This House should know of what I think is a direct conflict of interest. Does the gentleman have evidence to support what he is saying?

Mr. RAHALL. Mr. Chairman, I do. The Department of Labor's March 6 Federal Register notice publishing these proposed rules notes that Energy West petitioned the Secretary of Labor on this matter during September 1997 and states on page 10800, ''This proposed rule responds to Energy West's petition for rulemaking.''

We obtained a copy of the petition, which I have right in front of me, and lo and behold, it is signed by David Lauriski in his then-capacity as general manager of Energy West.

Mr. STRICKLAND. Mr. Chairman, reclaiming my time, I thank the gentleman for exposing this conflict of interest. The fact of the matter is black lung disease continues to be a problem. It has not been eradicated. Over 1,400 coal miners still perish this year in this country, and here we have an administration which is pushing a proposed rule which could increase dust levels in the mines fourfold.

This is a case of the fox guarding the henhouse.

In closing, I believe this is an insult to the working people of America. It can spell certain death to some of the bravest souls in this country. We should support this amendment so this proposed rule is withdrawn and done right.

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

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I have absolute proof that Dave Lauriski comes from the private sector, and I am delighted that he comes from the private sector to bring to us new and innovative ideas on health and safety for our miners.

I must oppose this amendment, and let me say that I do so, I believe, for the sake of the health and safety of American miners.

Any attempt to slow down the progress of what could be groundbreaking safety technology or hinder its widespread use is just wrong, and that is what this amendment does. This amendment basically is unnecessary because the Mine Safety and Health Administration acted on July 24 to suspend the proposed rule referred to in the Rahall amendment. I do not know the legal mumbo-jumbo, I just know they have absolutely postponed this rule for very good reasons. If we pass this amendment, it is not going to allow us, perhaps, to write a rule that involves the new technology that could be the technology that saves a lot of lives. This amendment carries with it certain unintended consequences that is going to run counter to the interests of promoting workers' health.

MSHA made the decision to postpone the implementation of the rule because of the first field test of new coal dust technology, called personal dust monitors, PDMs, which are very expensive and could be very life-saving for miners. These tests showed such genuine promise that MSHA concluded that additional tests were needed before moving forward with the proposed rule. We need to do the study, do the testing and get this technology, and then be able to write the rule to put it into place.

Both the mining industry and unions both supported this decision. In fact, the Mine Workers president sent out a press release the day after MSHA postponed its rule applauding that decision. Clearly, because the results of these field tests could cause MSHA to rewrite sections of its rule, to incorporate the technology of PDMs, MSHA needs the test results before it can move forward, and then it does need to be able to move forward. Again, that is not a delay. It is a positive move intended to advance technology that hopefully will be great for the mining community. Please do not confuse an arbitrary delay with a positive effort to move forward on technological advance.

In sum, this amendment is unnecessary. In fact, it represents a regulatory overkill basically without any clear benefit. Perhaps more importantly, this amendment could prevent MSHA from completely utilizing the new technology. Vote against this amendment because it is a positive vote for progress.

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

Mr. Chairman, I cannot allow obfuscation or dilatory diversion tactics from some in the majority to go unanswered.

□ 1530

This is about increasing by four-fold the dust level in our Nation's coal mines, further putting coal miners at risk of losing their lives.

The gentleman that just responded obviously was not listening to my previous two comments. These proposed rules have not been suspended, as MSHA said in a press release, because I have the Federal Register right here in front of me which says exactly the opposite of what their own press release said. So the question here is about protecting some of the bravest souls in America who are laboring deep underground to produce our Nation's coal which provides over 50 percent of our electricity.

It is not about trying to defend some former company official who is now at the Department of Labor in charge of this exact same rulemaking that he tried to change when he was in the private sector. This is about increasing by four-fold the amount of dust levels in our Nation's coal mines, not what was intended by any act that this Congress has ever passed. It is a tragedy. It angers me, and here a gentleman from some other region of the country that I am sure does not have many coal mines in his district to come to the floor and make such defense of such defenseless acts of this administration is truly incomprehensible. It is mind boggling, and to see him make such comments and then walk off the floor without even hearing and obviously was not even here to hear the previous rebuttal to what the charges he is making that were handed to him by some coal company downtown. It is absolutely mind boggling that some of the majority would try to pull the wool over the American people's eyes.

I would hope that those who have any comprehension of what it is like in our Nation's coal mines, who have ever visited a coal mine, who have ever talked to a coal miner and looked into his eyes will vote for this Rahall amendment to further protect him from this administration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I know we do two things here: we do politics, and we do public policy. The fact is that MSHA has suspended and/or withdrawn the regulation, and the gentleman's amendment says that MSHA cannot promulgate a new regulation until October of 2004. The hope is that these new personal dust monitors, this new technology will in fact continue to show the successes that it has so that MSHA can continue with the regulatory efforts and to get their new technology into the workplace as soon as possible.

But under the gentleman's amendment, MSHA would be prohibited until October, 2004, from proceeding. I do not think that is in the right light. I think what we are seeing here is some coal politics on the floor of the House. I think it is unfortunate. This is commonsense policy coming from MSHA. We ought to congratulate them for the wisdom in suspending what they were going to do to look at this new technology. But if it works, why would we want to wait until October of 2004 to implement it? I would urge my colleagues to reject the amendment.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

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

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

The CHAIRMAN. Pursuant to clause six of rule XVIII, further proceedings on this amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MANZULLO

Mr. MANZULLO. 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 Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

The purpose of this amendment is to increase the content requirement of the Buy American Act from 50 percent to 65 percent. This is a very simple amendment. It recognizes the fact that America has a tremendous problem with regard to our loss of our manufacturing base. We are down to about 10 percent of our workforce that is actively engaged in manufacturing. Each year that falls by several percentage points. It is massive, 6½ percent nationwide. And the congressional district that I represent, Rockford, Illinois, is at 11 percent and possibly even more because of the huge manufacturing base. Something has to be done in order to keep what manufacturing we have in this country. So why not take the billions of dollars that we use in procurement by the Federal Government and say, as we look at the stuff that the Federal Government buys, why not at least 65 percent of that be bought in America.

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

The CHAIRMAN. Who seeks time in opposition?

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

Mr. MANZULLO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I understand the gentleman is withdrawing the amendment, but I do believe in the course of looking at what is occurring in America with this enormous unemployment rate I think the gentleman's amendment is extremely sensible and hopefully this idea of ensuring that even the Federal Government is concerned about products being produced in America and thereby creating jobs in America and as I know the gentleman's leadership on the Committee on Small Business helping small businesses which are prolific in all of our districts and certainly in the 18th district, I would certainly hope that we have an opportunity to ensure that we are front and center on creating and buying products here in the United States and to be able to fill in some of the gaping holes. Of course, that is not the only way we can do so, but the gaping holes with respect to this very high unemployment rate must be addressed! And I thank the gentleman for yielding.

Mr. MANZULLO. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) seek time in opposition?

Mr. REGULA. Mr. Chairman, I was just going to commend the gentleman. I think there is merit to it, but I understand he is withdrawing it.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

Page 62 line 21, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 63 line 5, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 68 line 2, after the dollar amount, insert the following: ''reduced by $5,000,000''.

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

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

Our schools are supposed to be safe havens, places where our children go to learn, places free from danger. For the most part, that is exactly what they are. As we have seen so many times over the last few years, our schools can sometimes bear witness to unspeakable tragedies. Names of communities that were once comfortably anonymous, like Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and most recently Red Lion, Pennsylvania; and of course my hometown of Littleton, Colorado, are now burned forever in American consciousness. Since 1996, at least 25 school shootings have occurred, leaving at least 48 people dead and 110 wounded. Countless others will be scarred by these tragedies for life. The phenomenon of school violence has touched not only those of us who live in places like Littleton, but everyone who has watched these heartbreaking catastrophes unfold on television.

Mr. Chairman, my amendment would shift $5 million within title III of the bill from the $1.9 billion Higher Education section, to the Project School Emergency-Response to Violence Program, Safe Schools and Citizenship Education. As drafted, the bill currently funds this program at $5 million, or about one half of the President's 2004 budget request. My amendment, if adopted, would fund the program at the level called for in the President's budget. This program makes available short- and long-term assistance in the form of both immediate and extended services.

Mr. Chairman, it is my understanding that the $5 million that I am attempting to shift from the Higher Education-Improvement of Postsecondary Education program was included above and beyond the President's request and that sufficient funds are available in other program accounts to meet the administration's identified needs in this area. I ask for a ''yes'' vote on the amendment.

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

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, this amendment would prohibit the Department of Education from penalizing a school for failing to meet the requirements of the No Child Left Behind Act unless that school receives Federal aid at the full authorized level. With the No Child Left Behind Act, Congress struck a grand bargain with our communities' schools. We asked schools to meet critical accountability standards, and in return we promised them Federal aid to help make those standards a reality.

But the underlying bill, the Labor-H bill, H.R. 2660, provides essentially woefully insufficient funds for local school districts and States to meet those requirements. Congress is simply not fulfilling our share of the burden. We are not living up to our end of the bargain and the difference is $6.15 billion in fiscal 2004 alone. Fiscal 2004 alone, the shortfall here below what was authorized under the No Child Left Behind Act was $6.15 billion. That is impacting our States and municipalities in dramatic ways. Back home in Maine, wherever I go, whenever I talk to educators, I always hear the same thing: you have not fully funded special education. We are supporting that

at the State level and at the Federal level, and now we get the mandates of No Child Left Behind and we have another burden.

States right now are in their worst budget crisis since World War II, and they are struggling to cope with these unfunded Federal mandates, particularly in education. As a result, what is happening in Maine and around the country is that property taxes are going up. The burden is simply being passed down to the local property taxpayer. In Maine, 50 percent of the State budget is education, and in Maine municipalities between 50 percent and 75 percent of the municipal budgets are education. And we at the Federal level are simply making their burden much worse. This amendment is not intended to weaken the standards laid out in the No Child Left Behind Act. I joined with most of my colleagues on this side of the aisle, the bipartisan majority, in supporting the accountability standards of the No Child Left Behind Act, and we believe still that our schools will benefit from these standards, but only if they receive the promised money.

This amendment simply provides a respite during fiscal year 2004 for schools struggling to comply with the law without full Federal assistance. And let me just be clear about this. The way the amendment reads is that none of the funds made available in the act may be used to enforce any of the penalties under No Child Left Behind against municipal or State bodies if the Congress appropriates for this act less than $18.5 billion. That is the amount that was authorized to be appropriated. So if our appropriators do not fully fund No Child Left Behind, then this amendment provides that we cannot impose penalties on so-called failing schools. This amendment will be a real boon to States because they are struggling so much now with so many other costs and challenges in their budget, and this is one way of saying to them the Federal Government is not going to come down and impose penalties for failing to meet an education mandate that the Congress of the United States has not fully funded.

I urge my colleagues to support the amendment.

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

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) is recognized for 15 minutes.

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

This amendment is a sad attempt to return to the days of spending billions and billions of dollars and getting nothing in return. Since 1965, the Federal Government has spent over $300 billion in K through 12 education programs, and what have the results been? Zero. Nothing. And we worked in a bipartisan way on both sides of the aisle to bring real accountability to our schools to ensure that no child was left behind, and the agreement we made was that we would provide sufficient funding to put this into effect and we have. We can look at the $1.2 billion increase in title I two years ago, the $1.3 billion increase last year, the $666 million increase this year.

□ 1545

Or how about the almost $400 million that we have appropriated each of the 3 years to actually help the States implement the test, and the GAO came along and suggested a study on my behalf and others' that said that the almost $400 million we are appropriating annually is sufficient money for the States to develop and implement the test.

What this really is is the first big step in the direction of making more excuses, more excuses why we cannot educate every child in America. We have been down this path before, and we have really been down the path the last 20 years. There have been all kinds of attempts at reforming our schools the last 20 years, and guess what happened? Somewhere along the way it got to be too tough. It got to be too difficult. ''Oh, do not hold us accountable.'' And what happened? We have backed away every single time in virtually every single State.

The night that this bill was signed into law, I was over at Mount Vernon with the Secretary of Education, meeting with the 50 school chiefs from around the country who were charged with implementing this. I congratulated them on their service to education and the great commitment they were making to kids, and I talked about the heavy lifting that was going to be involved in implementing No Child Left Behind.

I also told them that, for the first time, do not come and ask the Federal Government for waivers. In the 1994 act, which many of the things that we called for in No Child Left Behind were enacted in 1994, in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act.

Right now we are at the most historic moment of the Federal involvement in education, because right now all 50 States and the District of Columbia and Puerto Rico are in compliance with the new law. They were all required to have their State accountability plans in place and submitted to the Department by January, and the Department was to have all of them approved. And the Department of Education here in Washington sat down with virtually every State to work through their accountability plan and to work to make sure that we were not unnecessarily upsetting what was already happening in the States. There was an agreement and a celebration at the White House several weeks ago to celebrate this accomplishment of having all of the States in compliance.

Now, could we spend more money? Yes. Are the States in difficult times? Yes. But I want to ask all of you, are we going to blink again? We have blinked so many times over the course of the history of this country because it was too hard to educate all of our kids, and I, for one, and I think the President and I think my good friend on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), and TED KENNEDY in the other body have locked arms to say we are not going to blink.

We are not going to blink. The lives of poor kids in our country who get shuffled from one grade to the next will continue as they are if we blink. We all know what happens in our local schools. They move them from one grade to another, whether they learn anything or not. Kids graduate that cannot read their diploma. At some point in America, somebody has to stand up and say, enough is enough.

I would suggest to you that we are spending an additional $2.2 billion in this appropriation bill to fund elementary and secondary education programs. We are continuing to keep our commitment, and I would hope that my colleagues would stand up today and say, for the sake of these kids and the sake of poor kids in America, we are not going to blink again.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members not to characterize the positions of Members of the Senate.

Mr. ALLEN. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, wherever I go in the State of Maine, the school districts that are in my district and across the State, they are not looking just at the cost of developing the test, though it is pretty clear that they do not have the money to do that. They are not looking just at the cost of developing the test, they are looking at the cost of how to operate the test, and they are also faced with teacher quality mandates that are a real burden.

The General Accounting Office has estimated that for fiscal year 2004, that the administration requested $390 million, $182 million below State 2004 expenditures as estimated. What we are talking about here in different categories, and that is just one, is a failure of the Federal Government to meet the actual amount that our States and local municipalities will have to spend.

Mr. Chairman, I yield 3 minutes to gentleman from Kansas (Mr. MOORE), who has worked with me on this amendment and who has other legislation pending along these lines.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me time.

More than 27 years ago Congress made a promise to our local school

boards and State school boards, and we said to the educators across our country, you take special needs children out of our hospitals and institutions and bring them into the public schools for education, and we, Congress, will pay 40 percent of the cost of educating those children.

The States and locals did. Congress did not. An unfunded Federal mandate, a promise made, a promise broken, and we are doing it again now.

I voted for the No Child Left Behind Act. I think it was the right thing to do. I want accountability in our schools, and I want to leave no child behind, and I want our schools to succeed. But when we place additional requirements on our schools without adequate funding, it is another unfunded Federal mandate, and we are short $6.15 billion this year.

Our educators, I talked to all of our school superintendents in our districts. We have some of the best schools in the whole country in my district, but they said, unanimously, we can do the job of educating our children, but we cannot do it without the resources when additional requirements are put on us.

That is what this is about. This is not about blinking. This is not about blinking. This is about educating our children and a promise made and a promise we are about to break again.

As the gentleman from Maine said, 48 of the 50 States right now are in a precarious financial position. They do not have additional money for funding. In fact, the Kansas Legislature this year was struggling to find adequate money for education in our State. And now we are talking about another unfunded Federal mandate.

It should not happen. If we do this, shame on us. If we do this, we are not taking care of the resources that we proclaim so often here are important to us, and those are our children. Our children are our future. We owe them the promise that we made to them and to our educators. They can do the job of educating children, if they have the resources.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce for yielding me time, and I have a great deal of respect for the gentleman from Maine, but the basic underlying concept of this amendment is very dangerous.

No Child Left Behind was a very difficult act to pass. Each of our States has worked extraordinarily hard in the last year and a half in order to comply with No Child Left Behind. The Secretary of Education has certified that each of the States is now ready to deal with this. In each of our States, tests have been prepared. For the most part, they are starting to be given. Assessments are being made, standards are being set, we are beginning to move up education.

I can tell you my State, which is the State of Delaware, which has been doing this for quite a long time, even before this, our test scores are starting to move up rapidly, we believe, as a result of setting standards and assessments and having testing in place, and I think to suspend it would be a sad error.

But there is another component to all of this. If you look back over the funding of education, and I give a tremendous amount of credit to the Chair of this appropriations subcommittee as well as the ranking member, who certainly played a major role in what we are doing in helping education funding, you will see that nothing has increased in spending the way education has in the last 6 years or so.

From fiscal year 1996, we have doubled funding for education at the Federal Government level. Just this year, we are going to put into IDEA an extra $1 billion. This is important, because that basically frees up State and local dollars. That is money in which the amount is not necessarily the increase that is needed, but the Federal share of it is increasing dramatically because we have stepped forward to do that.

We are putting $769 million more into Title I dealing with the same children who are so very important for No Child Left Behind. So we have funded education in a way it has never been funded before.

For all these reasons, because No Child Left Behind should be left in place, it is an amendment that should be defeated.

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

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a former Member of the Committee on Education and the Workforce.

Mr. CUNNINGHAM. Mr. Chairman, I commend my colleagues from both sides of the aisle. Special education is a very critical and very difficult issue to deal with, both with the schools and the parent groups themselves.

I would tell the gentleman from Kansas (Mr. MOORE) that Alan Bursin is the Superintendent of San Diego City Schools, and the number one issue and number one problem for him is the cottage organization of lawyers that have browbeaten the schools and take the money out of it.

I capped lawyer fees in the D.C. committee. In one year we saved $12 million. That is here in Washington, D.C. That is $12 million that went into special education, went to help teachers, went into buy technology, instead of going into lawyers' pockets. That is an area we can work together to enhance this.

At no time have we ever financed or appropriated 40 percent of the total dollars. You know what it would cost. It is a political issue, but it is difficult. We went from 6 up to 18, almost 19 percent currently, and we need to put more in there.

Another issue that we have in California, Governor Davis has taken our IDEA money and is spending the State money and using the Federal money to drive the engine. Instead of an enhanced program, it is lower. It is an area we can work strongly together in that I think all of us are dedicated toward, but it is difficult.

Mr. ALLEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Maine for yielding me time.

Mr. Chairman, when the majority in this House became the majority in this House, one of the first things that it brought to the floor was the idea of a Federal mandate-Federal pay rule and statute, and it passed with great enthusiasm from the other side of the aisle and from some of us on this side of the aisle.

Several years later, the majority and the minority working together passed the No Child Left Behind Act. It contains many mandates on schools around our country. Three of the most important ones are these:

Third-graders through eighth-graders in every school and every town in the country are going to be tested every year on various subjects. That is mandated.

Another mandate is that by the 2005–2006 school year, every classroom must have a highly qualified teacher in that classroom teaching in field. Mandated.

Another important mandate is that if a school fails to meet what is called adequate yearly progress, we are responsible for coming up with tutors and remedial programs, after-school programs, various tools to help those children learn. Mandated. Wise.

Another important mandate is that paraprofessionals must have at least an associate's degree or the equivalent thereof by some date certain, which will require a significant investment in the training and education of paraprofessionals. Mandated.

I support these standards and these improvements. I commend the majority and the President for writing them into the law. But the deal on No Child Left Behind was that if we are going to mandate these requirements, we would pay for them. The bill that is on the floor, by my count, is about $8 billion short of meeting those mandates.

What does this mean?

□ 1600

It means higher local school taxes around this country. In my State, it means higher property taxes to meet these mandates, number one. Number two, it means cuts in other services, because school districts with finite resources that must test these children every year, that must train teachers, that must train paraprofessionals, that must meet these other mandates are

not going to have an endless well of tax dollars from which they can go back and raise this money. So they are going to cut other programs, whether it is the school band or the preschool program or guidance counselors or what have you. That was not the agreement on No Child Left Behind.

The Allen amendment is very clear, and it is very wise. It says to this body, when you honor the agreement of No Child Left Behind, then the mandates will kick in. But if you dishonor that agreement, then they will not.

Now, if this were 1995, I would think that proposal would come from the other side of the aisle, because we heard it ad nauseam on environmental regulations, on land use regulations, on all kinds of things. The gentleman's principle is exactly right. We ought to support his amendment.

I would say to my federalist friends on the other side of the aisle, here is your chance to stand for the principles of local control and federalism.

I urge the adoption of the amendment.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MOORE) for a response to the preceding statements.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to respond just very briefly to the statement made by the gentleman from California. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are devoted. But if not, it is another unfunded Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say that a lot of us have fought for an increase in IDEA money, I say to the gentleman from Kansas. I would also say I have given my colleagues one way in which we can provide more money for IDEA. The largest group of teachers leaving education is in special education because they are spending so much time in paperwork, so much time in court, that they are leaving the profession. These are dedicated people. If we want to cap lawyer fees, then we can get up to four times the amount of money into special education.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership and that of the gentleman from Kansas (Mr. MOORE) for bringing this very important amendment to the floor.

Because indeed, I say to my colleagues, this amendment presents this Chamber with a moment of truth, a moment of truth as to whether this Congress is honest about its commitment to education, whether or not it will honor its promise to America's children contained in the Leave No Child Behind Act, and whether it is honest about what our expectations are of those children.

When the President signed the bill, he did so signing a bill that was bipartisan, bicameral in the support that it had; and people were quite excited about the prospect of the additional resources that would go to helping children to be accountable. Republicans talk about accountability, though, while failing to provide the resources necessary for children to meet the challenge.

Mr. Chairman, I call to the attention of our colleagues this report that I and the staff of the Committee on Appropriations have put out, the Democrats on the Committee on Appropriations have put out called ''GOP Funding Bill Shortchanges America's Children By Underfunding Key Education Priorities.'' I just want to read a few provisions in this, and it will point out the tremendous need for the Allen amendment today: ''The GOP bill shortchanges Title I,'' which is the subject of the Allen-Moore amendment. ''Title I is the primary Federal program that helps school districts enrolling low-income children meet the new accountability mandates of the No Child Left Behind Act. To help raise the academic performance of these students, Congress has agreed to phase in the Title I payments.'' For fiscal year 2004, that payment would have been $18.5 billion and, yet, the GOP funding bill provides $12.35 billion. ''As a result, under the GOP bill, America's children will lose $6.15 billion in Title I grants below the amount called for'' in the No Child Left Behind bill. Over $6 billion in that one title alone, depriving children, low-income children of the opportunity to be accountable.

In addition, the bill also shortchanges children with disabilities. On April 30, the Republicans passed the IDEA reauthorization bill. It promised a $2.2 billion increase for IDEA grants in fiscal year 2004 to help local school districts educate children with disabilities. Everyone who has children with disabilities in their districts, and that would be all of us, knows the pressure on school districts to provide education and quality of access to children with disabilities. It is a very important priority for our country. Yet despite the rhetoric of the authorization bill of just April 30, the Republican IDEA bill, this bill, has less than half. Instead of $2.2 billion, it has a $1 billion increase for IDEA.

We all have heard the value of after-school learning opportunities for children, and so the No Child Left Behind bill did as well; and it authorized $1.75 billion for 2004 for after-school centers which provide safe places between 3 p.m. and 6 p.m. where children receive academic help and enrichment activities. Yet the Republican bill falls $750 million short, nearly half of the funding provided in the No Child Left Behind bill in after-school program funding below the level.

It goes on and on. In order to have quality education for our children, the No Child Left Behind bill authorized $3.3 billion for teacher-quality grants to the States which are used to provide high-quality professional development to teachers. Yet the GOP bill freezes funding at $2.9 billion. As a result, teachers will lose $350 million in teacher-quality grants below the level called for in the No Child Left Behind Act.

My colleagues get the picture. Over and over again, children, millions of children are being left behind.

As we honor our men and women in uniform, I think it is important to note that the GOP bill on the floor today leaves military dependents behind. The Impact Aid program, as we all know, helps children of military personnel receive quality education. Yet the GOP bill, under the GOP bill, America's children will lose, children of our men and women in uniform, will lose $583 million in Impact Aid below the level authorized.

The list goes on and on. One more, just for older children, is that Pell Grants for college students are frozen, even though State tuitions have increased significantly, making it more difficult for our children to get the higher education that we want them to have for their personal fulfillment and to help our economy grow.

So these are just a few of the shortcomings in the education section of the Labor, Health and Human Services, and Education bill. Others have spoken to the 2.5 percent lowest increase for the National Institutes of Health in many years. In fact, in terms of education, this bill provides the smallest percentage increase in education funds in 8 years.

So here we have these vastly increased mandates, which we all applauded, some found controversial; but with the funding, we could help the children succeed. Instead of setting up children for success, however, this bill, the Republican bill, sets our children up for a fall. And that is a tragedy. That is a tragedy.

So what the Allen-Moore amendment has set out to do is to put forth an amendment that goes only to title I in the bill; and it says, of the full funding, the $18.5 billion appropriated for title I in the bill, then the requirements would not be in place. None of the funds made available in this act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under the bill. That is really only fair. It is unfortunate, but it is fair, because these children, these

teachers, these parents, these school districts cannot possibly measure up and be accountable without the money to match the mandate that we called for in the No Child Left Behind Act.

The tragedy of it all is that this is not that much money compared to the tax breaks which are the priorities for the Republicans in this Congress. And sadly, there is not any tax break that the Republicans can come up with, no R&D tax credit at this time, which I fully support; but nothing that my colleagues can name in terms of tax cuts does more to grow the economy than the education of the American people. Early childhood education, K through 12, higher education, postgraduate education, lifetime learning for our workers. Nothing is more, to use their word, ''dynamic'' for the economy, brings more money into the economy, brings more money into the public Treasury than educating our children.

But that is only a practical matter. Let us talk about their self-fulfillment, the confidence that they have to go forward and to be leaders in our country. They are the future. They are worthy of the investment we should be making in them. But we cannot mandate accountability to our children and yet not put the money there to match the mandate.

So, Mr. Chairman, I want to commend the gentleman from Maine (Mr. ALLEN), and I want to commend the gentleman from Kansas (Mr. MOORE) for this very brilliant amendment that they have brought to the floor to test the truth of where the Republicans stand on educating our children. Is it just rhetoric, or are we ready to put up the resources to match that rhetoric?

I urge my colleagues to vote ''aye'' on the Allen-Moore amendment and to vote ''no'' on this very unfortunate legislation that is the base bill.

Mr. BOEHNER. Mr. Chairman, I yield myself the time that we have remaining.

Mr. Chairman, the amendment that we have before us is not about providing additional resources for our schools; it is about providing excuses for those who do not want to be accountable for our children to learn. To call this a No Child Left Behind unfunded mandate strikes me as strange, because this year, this year we will spend $24.2 billion of taxpayer money to help needy students around the country. And what No Child Left Behind says is that if we are going to continue to invest these massive amounts of money to help needy students, we ought to expect some results. After all, do children not deserve to learn?

As I said before, IDEA special ed funding has increased 300 percent over the last 7 years. Title I spending has increased 200 percent over the last 7 years. And if we look at the increases over the current fiscal year and the last 2 fiscal years, since President Bush took office, those increases in title I over the last 3 years were more than what we saw under 7 years of President Clinton's title I increases.

So for people to suggest that we are not meeting our obligation to our local schools, I think is not being quite fair and honest with the facts.

The fact is, since President Bush was elected, Congress has increased funding for elementary education, elementary and secondary education $13.2 billion. This is real money. So I would say to my colleagues, No Child Left Behind is the last really serious attempt that is ever going to be made to ensure that all kids get a chance at a decent education in America.

□ 1615

We have blinked. We have blinked. We have blinked. We have had excuses. We have had excuses, and we have had more excuses why we cannot educate all of our kids. And I just want to remind my colleagues of one point: It is not the child's fault whose parents they were born to or that they lost the lucky lottery of life in terms of what community they have grown up in. And I believe that we, as a society, owe them a chance at a decent education.

We know all kids can learn. The problem is that today not all kids have the opportunity to learn, and No Child Left Behind makes that commitment, and the necessary resources are there to implement the law, and we should stand up for the kids and vote against this amendment.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

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

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

AMENDMENT OFFERED BY MR. OBEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S. C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (20 U.S.C. 213) that were in effect as of July 11, 2003.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we have agreed on the committee that we will each limit ourselves to 10 minutes in the interest of trying to get Members out of here.

Mr. Chairman, the Department of Labor is planning to change the regulations for overtime workers. They would make 1.4 million workers earning less than $22,000 a year eligible for overtime pay. That is a much needed adjustment which we support, but if the administration gets its way, an estimated 8 million workers will become ineligible for overtime because of changes in the rules. These include many of our first responders, firefighters, law enforcement officers, emergency medical technicians who will no longer be eligible for overtime pay because the Bush administration is changing the definition of who is being covered by the Fair Labor Standards Act.

This amendment would stop the administrations from making those unprecedented change to the Fair Labor Standards Act by revising the regulations. It would save overtime pay for millions of working families. I am offering the amendment on behalf of myself and the gentleman from California (Mr. GEORGE MILLER).

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

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

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 15 minutes.

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

Mr. Chairman, this proposal would eviscerate what the Secretary is trying to do. I think for the membership they should understand that the Secretary's rules would have given a million workers access to time and a half that do not now have it, and it would limit some of the white-collar type of workers to not getting the time and a half under the existing rules. And for this reason we think that the Secretary's rules that have been promulgated are fair because it does elevate the million people into an opportunity to make some extra money and get paid for time and a half if they have put it in. Whereas, the white-collar workers understand that that is part of the condition of the job, that they may understand they have to work some extra time and not necessarily get time and a half.

I think the rules would make management of the enterprise more effective and more efficient and would certainly be fair to everybody. Therefore, I think we should leave the Secretary's rules stand as is, rather than adopt this amendment in an attempt to second-guess what the Secretary is doing in putting these rules in place. I would urge a vote against the amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, earlier this year the Bush administration initiated a process that is going to take hundreds of

millions of dollars of hard-earned pay out of the pockets of American families. For years these men and women, among them first responders like firefighters, police, nurses, emergency workers, have long qualified for overtime pay when they worked more than 40 hours a week.

For most of those men and women, that overtime pay is not spare change or for frivolous spending. It is essential family income necessary to pay the mortgage, to feed their children, to pay college education and to save for retirement. Overtime is not a luxury. It is a necessity for many American families, because tragically millions of our American families cannot survive economically on working only 40 hours a week. In fact, many workers who earn overtime derive 25 percent of their annual income from the extra hours on the job.

But what would the Bush administration do? The Bush administration wants to exclude employees from ever being eligible for overtime by playing with the definitions of eligibility. According to one study, that would take away the overtime from almost 8 million people who today are qualified. All our amendment does is say you cannot take it away from people who today are qualified. You can expand it, as the Secretary says she wants to do. You will work, but you will not get the overtime pay under this rule.

Congress did not approve it. In fact, we have not even had a hearing on the overtime rule, not a minute's worth of debate. The Republicans say they dispute the findings of the Economic Policy Institute study. Well, let us have a hearing and talk about it before we penalize millions of American families.

Now, this amendment we are debating allows us to have that review. The Obey-Miller amendment tells the Secretary not to issue any regulation that would deprive anyone of their existing overtime pay. This is an opportunity to show America where we stand. If you defend the right of people to continue to earn the wages that they have earned to avoid suffering precipitous loss in income for doing the exact same job they have been doing for years, then you will vote for this amendment.

There is a reason they are trying to cut overtime pay through the bureaucratic administrative rule instead of coming to the Congress and changing it in the open light of public debate. That is because they do not want the debate. They do not want to defend what they are doing. Today you will have to defend what the Department is doing because the Department of Labor is threatening millions of dollars worth of income to working American families. It is not enough that this administration and this House have presided over the loss of 3 million private sector jobs since 2001. It is not enough that the administration and Republican leadership in this House have forced millions of working Americans to remain in poverty by refusing to consider, even consider, raising the minimum wage. Is it not enough that they have denied unemployment compensation for millions of people who could not find jobs because of the desperate state of the economy? Is it not enough that they deny working families a fair tax cut, including the child tax credit, while showering hundreds of billions of dollars on wealthy Americans?

Now, let me ask you this: Is it really necessary now to assault even those people who still have a job today, who have a job, who are working overtime, who need the overtime pay, that they would come along now with this administrative rule to strip them, to strip them of that overtime pay when they work long hours at difficult jobs and time away from their family, and they do it at the request of their employer?

This is not this abstract case. Janice Murphy, who is an equipment specialist for the Navy's ship systems engineering in Philadelphia, 29 years of experience, but under this regulation, because she has all of that experience, she would be ruled as somebody having on-the-job training, learned professional, so she would not get overtime pay as she does today.

Diane Flock, a nurse at Florida Medical Center in Ft. Lauderdale, talks about how she organizes the nurses at the Florida Medical Center because they would be denied overtime because they would be defined out of it. Now, she has been a nurse there for many years, but she has organized the other nurses, and she has petitioned the Congress to have a debate on this matter, and that is what we are doing.

I would urge Members to support the Miller-Obey amendment.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, we have known for years that the Fair Labor Standards Act regulations governing overtime are confusing and out of date. Moreover, millions of low-wage workers who should be earning overtime pay currently are not. Now, these regulations which have not been substantially changed in 54 years are complex, confusing, and make it next to impossible for workers to know whether they are entitled to overtime, for employers to know how to pay their employees, and for the Labor Department to enforce these workplace regulations. They simply do not meet the needs of today's 21st century workforce.

The Department has undertaken an important effort to update these complex, decades-old regulations that define overtime exemptions for white-collar employees in the administrative, executive and professional employee classification. They should be commended for their efforts thus far.

Let us be clear. The proposed DOL regulations will provide additional protections to low-income workers and ensure that they are entitled to overtime pay. It is unacceptable that today's outdated regulations require someone earning as little as $8,060 a year to qualify as a white-collar employee and, therefore, prevent them from receiving overtime pay. The proposed changes would raise that level from $8,060 to $22,100 annually, and ensure that anyone earning less than $22,100 a year would automatically be entitled to overtime. Lower-income workers deserve these protections, and the DOL suggestions would help provide them.

These regulations would guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and strengthen the protections for an additional 10.7 million workers. And for the first time in decades, 20 percent of the lowest-paid workers would be guaranteed to get overtime pay.

Now, these are proposed regulations that are under review, and the Department has reviewed and received 80,000 comments about their proposal. Any efforts to highjack this process before the Department can consider and evaluate these comments, frankly, is very premature.

Unfortunately, the amendment will only worsen the confusion of current wage and hour laws where employers, workers and even the Department of Labor simply cannot accurately determine which employees are exempt and which are not. The only winners under this amendment are the trial lawyers who have lined their pockets with their ''gotcha'' class action lawsuits.

The biggest problem to the amendment might be that the Miller-Obey amendment creates a double standard for employees and leads to fundamental unfairness: Under the amendment, two workers who do the same job would be treated differently. The employee who gets hired yesterday gets paid one rate and for the same job. The worker who gets hired tomorrow gets classified under a different system. You cannot have two people working side by side being paid and treated differently under the law, and that is what would happen under the amendment that we have before us.

Some have even attempted to paint these regulations as an attack on workers, falsely claiming that it will eliminate overtime pay, but nothing could be further from the truth. This in no way would affect the overtime rights of millions of Americans who do nonoffice emergency work.

Mr. Chairman, I want to suggest to my colleagues that we should oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I just simply rise in very strong opposition to this amendment which basically prevents the Secretary of Labor from implementing regulations to update complex, and I do mean the word complex, and outdated, and I do mean the word outdated, wage and hour regulations

and provide additional protections to millions of this country's lower-income workers.

Numerous hearings have been held by my Subcommittee on Workforce Protections, and I mean numerous, and that has demonstrated over and over again the need for updates to the current regulations in order to meet the needs of today's workforce, not an 80-year-old workforce.

□ 1630

The regulations, if adopted, will guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and clarify existing overtime rights of 10.7 million workers. For the first time in decades, 20 percent of the lowest-paid workers in America would be guaranteed overtime pay. Now, if that is what my colleague calls playing with the definition of eligibility, I guess that is what we have done, because we, I think, have done the right thing for many Americans.

I support these regulations. The Secretary should be commended on a job well done and for bringing an 80-year-old law into line with the realities of today's workforce.

Some will try to say that we can have it both ways. Some will say that all we do by voting for the Obey-Miller amendment is to protect overtime for current workers, but still allow the Secretary to simplify and clarify these regulations. That is simply not true. It is just plain wrong.

The Obey and Miller amendment will only worsen the confusion of current wage and hour laws by freezing in place today's complicated and outdated system of inconsistent wage and hour laws. It should come as no surprise that in the last several years class action overtime lawsuits have become the fastest-growing category of employment litigation. The only winners under this amendment are the trial lawyers who have lined their own pockets with the ''gotcha'' class action lawsuits.

The Obey-Miller amendment does nothing to clarify the complicated and outdated rules governing overtime. In fact, I believe it makes the problem worse by creating two classes of employees, some who get overtime and some who do not, even if they are doing the same job for the same employer. Try explaining that to an employee or one of your constituents why she does not get overtime, but the employee hired the day before, doing the exact same job, does.

Nothing in these regulations affect unions, period. Nothing in these regulations affect the overtime pay of nurses, period.

Also, let me be clear, the proposed regulations do not make it easier to deny overtime to workers. I urge my colleagues to reject what I consider a distortion of misinformation, downright untruths, not, of course, by my distinguished colleagues who are bringing the amendment, but by others, that have been spread all over this town about these regulations.

Vote against this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that under the order of the House, the gentleman from Ohio (Mr. REGULA) has 6½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. Under the 10-minute agreement, the gentleman from Ohio (Mr. REGULA) has 1½ minutes remaining and the right to close, and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is interesting, they talk about everything except this amendment. This amendment does nothing to prohibit the Secretary from expanding overtime to those who may not now be required, but what it does not do is it does not let the Secretary strip 8 million workers who currently get overtime of that overtime pay, including the half a million first responders that go out on Orange Alert.

Under this regulation, many of them will lose overtime for those long hours that they spend guarding the national security of this country. That is what the regulations do. That is what this amendment prevents. It does not keep anybody from expanding into overtime.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, if my colleagues wanted to make life more difficult for single mothers, for women trying to work their way through school, for women trying their hardest to scrape by for themselves and for their children, they could hardly do worse than the Labor Department's proposed rule to effectively repeal the 40 hour workweek and end overtime pay.

The rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

For 70 years, overtime pay has been time and a half. It has kept the workweek for millions of Americans from becoming unmanageably long. It allowed the employee some flexibility to make some extra cash, and for anyone who relies on cash overtime pay, it is the only way to put a roof over their family's heads, to buy groceries and pay their medical bills. Without overtime, countless Americans would be forced to take a second job to make up for the lost earnings. It would mean more time away from their families and higher child care costs.

Supporters will tell my colleagues that in lieu of overtime pay, workers will be given compensatory time, but employers have the right to decide when or even if the worker gets the time to take his time.

It paves the way for mandatory overtime. Working women will lose control of their schedule. Any mother with a child knows, in child care, if you work late, you need to make arrangements in advance or you pay higher fees for child care. Without proper protections for these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before this bill takes effect, you are grandfathered. If you are hired the day after, you are not grandfathered, and so you would have two employees sitting side by side in a cubicle doing the same identical work being treated differently under the law. I do not think that is what this Congress wants.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me the time.

Under this rule, a person who makes $25,000 a year and works in the shoe department of a retail store who spends most of her day selling shoes, who is asked to watch two other people who also sell shoes and keep records on them, but not have the right to fire them, not have the right to supervise them, that woman making $25,000 a year will not get time and a half if the employer says she has to work more than 40 hours a week. That is wrong.

If my colleagues vote for the Obey-Miller amendment they stop that rule. The 40-hour workweek is a fundamental in this country, and we will not let you stop it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, right now the Bush administration is in the process of promulgating regulations that would strip overtime pay for many of America's first responders.

Yes, after talking tough and continually stating that this White House and Republican Party supports America's first responders, the Bush administration and the Republicans are trying to pass into law regulations that will deprive millions of Americans, including police and firefighters who receive time and a half for that overtime work today, less money for their jobs protecting us.

No one enters law enforcement or becomes a firefighter for the money, but this proposal by my colleagues would suggest so. As a Congressman from New York City whose district overlooks Manhattan, as someone who is the son of a police officer, the cousin of several firefighters, and whose spouse is a nurse, I know firsthand the needs of our first responders in protecting our country from terrorist attacks and keeping us safe.

This bill continues this administration's and this Congress' past record of shortchanging cops and firefighters while pretending to stand with them. But do not listen to me or the Democrats or the Republicans or the White House. Ask your local first responders if they think they are overpaid and underworked. Did they ask for this bill? I do not think so.

If you think they are, if you think your cops and your firefighters are lazy and overpaid, oppose the Obey-Miller amendment. I do not think they are. I will wholeheartedly support this amendment.

Mr. OBEY. Mr. Chairman, how much time do we have remaining under the reduced time for each side?

The CHAIRMAN pro tempore. Under the agreement, the gentleman from Wisconsin (Mr. OBEY) has ½ minute remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, let me just say, once again, the gentleman from Ohio tried to suggest that this is going to create two classes of people. This just protects everybody who gets overtime today gets overtime tomorrow.

They say if you get hired tomorrow, well, let me tell you in the Bush economy, nobody is getting hired tomorrow. People are getting laid off tomorrow. Okay. They are not getting hired, so that is not an issue.

Secondly, let me say for first responders, you are talking about people from homicide detectives, you are talking about EMT, the people we expect to respond to these sites, to firefighters. So many first responders wrote objecting to this amendment that the Department of Labor sent out a letter and said, that is not our intent. They said, then exempt us from the regulation. They said we will not do that. So it is not their intent to include them, but they will not take them out of it. You are talking about half a million first responders who will go out on Code Orange and will get no protection of overtime pay.

Your party, your choice, your vote.

Mr. REGULA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Tennessee (Mrs. BLACKBURN).

(Mrs. BLACKBURN asked and was given permission to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Chairman, I submit to the RECORD some information from the National Federation of Independent Business relating to a poll that they conducted and some thoughts and opinions from their members on this issue.

Mr. Chairman, I rise today in strong support of what the Department of Labor is trying to do on Section 541 overtime regulations. There is a lot of confusion in the employer community right now on how to deal with employee overtime, in large part because these regulations were last revised in 1954.

I would like to share with my colleagues some very important survey data that makes the point that employers are confused with overtime regulations. Last month the National Federation of Independent Business Research Foundation released fresh data from their National Economic Poll in which they asked 750 small businesses:

''How do you determine if a specific employee who works more than 40 hours per week should receive overtime pay? Do you . . .

Follow common industry practice—19.3 percent.

Classify each job by occupation and earnings (the legally correct way)—5.9 percent.

Make only hourly-wage employees eligible—18.9 percent.

Make only low-paid employees eligible—0.3 percent.

Make everyone but management employees eligible—8.1 percent.

No employees work overtime—33.5 percent.

Everyone who works overtime is eligible—11.2 percent.

Didn't know—2.9 percent.

Mr. Chairman, this survey sheds critical light on the views of small business owners—this proves that small business owners don't really know how to properly classify their employees for overtime purposes.

It's time to simplify the regulations. It's time to vote ''no'' on the amendment and let the rulemaking process move forward.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I would only say to my colleagues I think we need to reject this amendment. It is premature. These are proposed regulations. There is plenty of time for comment, and it is a recognition on the part of the Department of Labor that the 1 million low-paid workers today that have no opportunity to get time and a half will have that opportunity, and therefore, I would want this amendment rejected to give them that kind of a chance.

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

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order a quorum is not present.

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

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I rise to ask the chairman to engage with me in a colloquy.

I am pleased to have worked with the gentleman on the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies for the last number of years. I appreciate his support for and commitment to programs that benefit historically black health profession schools.

I understand that this year there are significant challenges facing the subcommittee. However, I want to note two priorities that I am working to establish. The first is regarding the establishment of demonstration projects between community health centers and minority health professions schools for the purpose of health status disparities research and data collection, through the community access program.

Community health centers have the potential to serve as valuable resources in biomedical and behavioral research aimed at reducing health status disparities among minority and medically underserved populations. Such demonstration projects were authorized in the Health Care Safety Net Amendments of 2002.

The second is encouraging the National Center for Research Resources to give priority consideration to supporting extramural facilities construction projects at historically minority institutions which have developed a comprehensive plan to address the disproportionate impact of cancer in minority communities.

I have been working with Charles R. Drew University of Medicine and Science in Los Angeles to ensure that resources are there to establish a center focused on care for minority cancer patients and research.

Mr. Chairman, as we work towards the final passage of the fiscal year 2004

Labor, Health and Human Services and Education bill, I ask that the gentleman work with me to ensure that we can support these two priorities.

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

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

Mr. REGULA. Mr. Chairman, I, too, am pleased to have worked with my colleague as a member of our Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The programs that support historically black health professions schools are essential in eliminating health status disparities among minorities and underserved populations.

□ 1645

I will be sure to keep these priorities in mind as we work to finalize the fiscal year 2004 Labor, Health and Human Services, and Education bill and will work with the gentleman to see how we can accommodate these priorities. I appreciate the gentleman notifying me of his concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Obey/Miller Amendment to save overtime pay for millions of hardworking Americans. I will vote for this amendment on behalf of my constituents and the millions of people who work so hard to earn overtime wages in order to provide for themselves and their families.

During this Administration, we have witnessed months of tough economic times for American families. We have seen the unemployment rate climb ever higher. We have watched millions of American families slide into poverty. Currently, we see millions of children and seniors go without the basic health care and medicine they deserve. This Administration has led the country backward into financial pain rather than forward into prosperity. That does not seem to be bad enough for the Republicans so they have gone still further to take away overtime pay of those who need it most. The Obey/Miller amendment seeks to remedy that wrong, at least in part.

Sadly, through draft regulations recently issued by the Labor Department, Republicans want to cut the overtime wages of as many as 8 million Americans. It is vital to note that thousands of first responders will be hurt by those regulations. That includes emergency medical technicians, police, firefighters, nurses, and others. This is our opportunity to save overtime pay for millions of our constituents because the Obey/Miller amendment will prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

To be certain, overtime pay is not money that most families use to pay for extras such as luxury items or lavish vacations. Whatever they choose to use the money for, Mr. Chairman, it is certainly money that they have earned and deserve to receive in their paychecks. For many mothers and fathers, grandfathers and grandmothers, and other people who are responsible for the care of children, overtime pay is the money used to put food on the table and clothes on the backs of those children.

In my district, many workers earn over 25% their annual income from their over time pay. In order to earn that pay, they spend many hours away from their homes and families. the Obey/Miller amendment will help to ensure that theirs is not simply a sacrifice that enriches their employers while doing nothing for themselves. It will help ensure that America's workers receive that to which they are entitled.

I will vote in favor of the Obey/Miller amendment and I ask that my colleagues on both sides of the aisle join me in doing so. We should show bipartisan support and pass this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey/Miller Amendment, which would protect millions of workers from losing their overtime pay.

If the Bush Administration's proposed changes take effect, 79 percent of the workers in this country will lose their guaranteed right to overtime pay, 79% (8 out of every 10 workers). This is not just bad policy, it's piracy. It is a slap in the face to any effort for economic recovery. Mr. Speaker, how many CEO's do you know who would work without their pay?

Under the Bush Administration's proposal, workers will be working the same long hours they now work—in fact, probably longer hours, without overtime compensation. That's why the Obey/Miller Amendment ensures that ''no'' public funds can be used to take away the overtime rights of workers.

It is tough enough on families that are forced to spend long hours away from their families to earn a living, and commute long distances, now under this bill they won't even be compensated for their extra time. Join me in voting for this amendment to make certain that workers and families are not shortchanged by the Bush policies.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Obey-Miller amendment.

Mr. Chairman, overtime pay, strict regulations on child labor, occupational safety standards, and employee training are the nuts and bolts of our Nation's labor laws.

Yet, since day one, this administration has worked little by little, step by step, to unravel our gold standard protections.

First, the Department of Labor passed on the opportunity to institute strong ergonomics standards and, instead, chose to implement weak guidelines—leaving many to continue working under egregious, unsafe conditions.

The administration has repeatedly submitted budgets that have not provided Department of Labor programs with inflationary increases. In turn, many of our safety enforcement programs and worker protection efforts have been diminished.

And now, the administration is attempting to strip precious dollars from those who are working the hardest, the longest, and in careers that are notoriously underpaid and often understaffed, including licensed practical nurses, EMTs, air traffic controllers, social workers, occupational therapists, physical therapists, health technicians, and paralegals.

My colleagues, this proposal would have real consequences for the millions of hardworking Americans already working to send their children to college, the millions of Americans trying to buy a home, and the millions of Americans trying to save for retirement.

In New York, everywhere I go, town supervisors, city mayors, and local leaders are discussing massive tax increases. All around the country, colleges, and universities are substantially raising tuitions. The reality is—Americans are already feeling squeezed. Let's not make it worse by sending them home with a blank check.

Vote ''yes'' on the Obey-Miller amendment.

Ms. WATERS. Mr. Chairman, I rise in support of the Obey/Miller Amendment.

Since this Administration has taken office, over 3 million people have lost their jobs; the unemployment rate is at its highest levels in 9 years. Yet to add insult to injury, the Administration is now proposing a regulation that would cut overtime wages to as many as 8 million Americans.

I urge my colleagues to support the Obey/Miller amendment which would prohibit the Department of Labor from using funds to carry out this appalling regulation. Too many Americans depend on overtime pay in order to make ends meet. We must not take it away from them.

This Administration has no shame. They continue to push their ''Big Business/Special Interest'' agenda at the expense of the working Americans that make this country great. Perhaps this helps explain why this bill is lacking adequate funding for so many programs that Americans depend on.

The Chairman and Ranking Member have worked to craft the best bill possible with the terrible cards they were dealt by the unfair and irresponsible Republican Budget Resolution. But the truth of the matter is, the President and the Republican leadership have decided that tax cuts for the few are more important than programs for the many.

They decided that to provide an average of $88,000 in tax cuts for those earning $1 million or more is more important than increasing enrollment in Head Start, increasing Pell Grants, fighting the AIDS virus, funding medical research adequately or a host of other important programs.

Time will not permit me to discuss all of the many problems with this bill, such as the inadequate funding for the NIH and for the Social Security Administration to process claims from retirees, so I'll just focus my comments on one problem: the immoral neglect of the Head Start program.

Mr. Chairman, additional funding for Head Start should be a ''no-brainer. There are few, if any, programs that have the success rate of Head Start. Government reports, early childhood experts, teachers and most important families all recognize the magnificent results Head Start has produced.

There are many keys to the program's success; from the small child staff ratios, to the nutritious meals the children receive each day, or the doctor visits that each child is afforded. However, one of the most important factors in Head Start's success is the way that the child's parents are included in the educational process. We all know that parents are children's most important teachers and involving parents in their children's education is strongly related to children's achievement in school. Head Start capitalizes on that relationship.

The only thing that is holding the Head Start program back today is the lack of funding. Today, only 60 percent of eligible students are able to enroll in Head Start; only 4 percent of eligible Early Head Start and 19 percent of the eligible Migrant and Seasonal Head Start of children are enrolled. This is much too low. Thousands of children are waiting on the sidelines, waiting to benefit from Head Start. We should make every effort to allow these children to enroll.

Yet, look at how this bill treats Head Start. The President asked for an increase for Head Start of only $140 million. This bill provides a $148 million increase. Mr. Chairman, the $148 million increase is not even enough to keep pace with inflation. It certainly is not enough to sign up new children in the program. Nor, will this paltry increase enable Head Start to ensure that its teachers and volunteers are properly trained.

Mr. Chairman, in today's economy, education is the key to success. The sooner that we get children excited about learning the better off they will be. Head Start has an exceptional track record of success in getting children excited about learning.

Mr. Chairman, I urge my colleagues to support Head Start. It works. We must provide the funding that it deserves and needs to extend its benefit to all eligible children. We can and must do better than this inadequate bill.

I urge my colleagues, for the sake of our children, our families, our seniors, our working people, to vote yes on the Obey/Miller amendment to protect workers' overtime pay and then vote no on this bad bill.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. OBEY and Mr. MILLER, which will block the Department of Labor from pursuing its plan to overhaul our overtime pay laws—at the expense of 8 million workers. Under these draft regulations, millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money.

The implications of this measure on working families that have long depended upon overtime work to make ends meet would be devastating. In fact, according to 2000 Census figures, workers who receive overtime pay report that it accounts for a quarter of their total take-home pay. Try telling these workers that enactment of these regulations wouldn't result in a pay cut!

Under these regulations, mid-level office workers, lower-level supervisors, licensed practical nurses, EMTs, cooks, secretaries, dental hygienists, air traffic controllers, social workers, administrative support, engineering technicians, planners, and paralegals could all find themselves categorized as ''white collar'' employees. Now, does that sound right?

With unemployment at its highest level in almost a decade and far too many of my constituents telling me that they live in fear that their jobs may be next, why, on earth, is the Department of Labor launching this new attack on America's workers?

First proposed in March, the proposed regulations would reclassify millions of workers as ''managers,'' rendering them ineligible for overtime pay. During the comment period on the proposed rule change, one hundred Members of this body wrote to the Labor Department, urging that these proposed changes be dropped.

In as much as the Labor Department intends to move forward with these rules, despite the public outcry and the strong congressional objections, it looks like this body is going to have to use its ''power of the purse'' and put an end to this ill-conceived effort.

Mr. Chairman, the Department of Labor seems intent on picking up where the House Leadership left off. These rules are—quite simply—an insult to the working people of America.

Mr. Chairman, after the de facto defeat of the so-called ''Family Flexibility Act'' last month, it appears that the Department of Labor now plans to strip our overtime rules, on its own, without congressional involvement.

We have the opportunity today to tell the Department of Labor that this body will not stand for backdoor attempts at fundamentally undermining key labor laws. The economic security of far too many American families hangs in the balance.

Therefore, Mr. Chairman, I urge my colleagues to join me and vote in favor of the Obey-Miller amendment.

Ms. SOLIS. Mr. Chairman, I rise in strong support of the Obey/Miller amendment.

It baffles me that at a time when our economy is reeling that the Bush Administration would want to weaken the protections of workers fortunate enough to still be employed. Over 9 million Americans are currently unemployed. Unemployment in my district, in East Los Angeles and the San Gabriel Valley, is almost 10% in some areas. Why then would we want to cut pay for those workers that have jobs?

Under President Bush's proposal, millions of workers who now enjoy overtime protection would no longer qualify for overtime pay. The changes would impact police, firefighters, nurses, retail managers, and many others. It would impact many of my constituents, who have contacted me because they don't want a pay cut.

Make no mistake about it. The proposed changes to our overtime regulations will mean a huge pay cut for these workers. It will mean longer hours with less pay.

I urge my colleagues to oppose paycuts for American workers and support the Obey-Miller amendment.

Ms. MCCOLLUM. Mr. Chairman, I rise in strong support of the Obey-Miller Amendment.

Congress must protect the economic security of the workingmen and women who keep our nation safe and prosperous.

I've punched a time clock.

I've worked in retail sales to help support my family.

I know what it is like for families to rely on overtime to pay for their children's college fund or repairs on their homes.

America's hard workingmen and women deserve our support.

But this administration instead wants to deliberately cut the overtime pay of 8 million Americans.

Under the Bush Administration's rules, working people, including police officers, firefighters, and nurses will lose overtime compensation—as much as 25 percent of their salaries.

This cruel attack on working families demonstrates the true compassionate conservative values of this administration—tax cuts for the wealthy and salary cuts for working people.

Today, Congress must protect the economic security of our working families.

Support the Obey-Miller amendment today.

Mr. KUCINICH. Mr. Chairman, it's been a very tough year for the American worker. Astonishingly, it appears the Administration is attempting to make things even tougher. Already, the Administration is presiding over the highest unemployment rate since April, 1994. Already the median unemployment duration of 12.3 weeks is the greatest length it has been since July of 1967. And already, 3.1 million private sector jobs have vanished since the recession began in March 2001.

The Administration's three pronged response to this jobs crisis has been to allow millions of working Americans to remain in poverty by refusing to raise the minimum wage, to deny unemployment benefits to millions of Americans who have exhausted their benefits because of the severity of this recession, and to provide hundreds of billions of dollars in tax giveaways for the richest Americans.

As if all of this was not enough, the Administration now seems intent on literally picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off—at the employer's discretion. Now through administrative action and without the input of elected representatives, the Administration seeks to enact the most significant change to overtime rules since the Fair Labor Standards Act was passed in 1938.

The result of these changes is that least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects. In 2000 overtime pay accounted for about 25 percent of the income for these workers. Their families will not have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller amendment will stop the rollback of overtime pay. Obey-Miller will protect the wages of America's working people. Stop the legalized pick-pocketing of America's workers by the Administration's attack on overtime pay for overtime work. Vote for the Obey-Miller amendment.

AMENDMENT OFFERED BY MR. TOOMEY

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. __. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689, R03HD039206, R01DA013896, or R01MH065871.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

MODIFICATION TO AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds made available in this Act may be used to fund grant number R01HD39789 at the National Institutes of Health.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. __. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

SEC. __. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

Mr. TOOMEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I think all of us in this Chamber have been faced with the painful visits in our offices from constituents who come to us with a heart-rending story of a member of their family, often a child, who is suffering from a terrible and debilitating disease, perhaps a fatal disease, perhaps a disease for which there is no cure; and they come to us asking for some help, asking for resources to provide for the research that might find a cure. And nobody has heard more of these heart-rending and compelling stories than the distinguished chairman of this committee. I know he has devoted enormous amounts of time and effort to making sure the resources are there to help to try to find cures where it is possible.

I think we have all embraced the idea of significant increases in funding for NIH, I have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are just much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the four that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: ''In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on sexual risk-taking will be examined.'' Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transgender research. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are a drastically understudied and underserved group.

Mr. Chairman, I ask my colleagues, who thinks this stuff up? And, worse, who decides to actually fund these sorts of things? Well, unfortunately, the NIH has done so. These are the exceptions, and not the rule. This is not a general criticism of the NIH. But the point is these are not applications that are worthy of taxpayer funds.

And let me make the point that there is nobody here that I know of that is saying we should ban this sort of research. If they want to do this sort of research, we need to fund this privately and not with taxpayer dollars. I simply want to make the point that there are so many far more important, very real diseases that are affecting real people; and that is what this kind of money could be used for, would be used for.

We leave it to the NIH to decide how to reprogram this. And as for those who suggest that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the pursestrings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may consume.

These amendments have been picked out of a database that contains a single paragraph on each of 40,000 grants that NIH supports. Now, keep in mind that that represents a winnowing down from perhaps 120,000 applications. How do they pick the one out of three that will be funded? The NIH has an elaborate two-tiered peer review process that is mandated by the Public Health Service Act. Outside review panels of distinguished scientists from universities nationwide gather to review each application, which can easily run on to several hundred pages.

I think to pass judgment on these, you would have to read the several hundred pages to know what the ultimate goal is, rather than one paragraph. Then these recommendations are reviewed by advisory councils comprised of scientists and members of the public whose nominations are cleared through the Department.

NIH only funds about 30 percent, as I mentioned; and we can be confident that they are very careful because there are so many good objectives in the form of requests. They go through these very, very carefully with top-flight people to ensure that there is a worthy objective to be achieved in doing the research in question.

If Members are concerned about NIH funding in certain issue areas, I think they should urge the authorizing committees to review this as they consider the reauthorization of NIH, and that will be coming up. I know that the Committee on Energy and Commerce has been doing an extensive review of NIH actions across a number of areas in preparation for a reauthorization, and I would suggest to my colleagues this would be the appropriate place to bring up their objections to the process that is presently used by NIH because in the reauthorization action they can address what they feel might be a shortcoming.

I strongly urge the Members to resist the temptation to select a few grants for defunding because they do not like the sound of them based on one paragraph out of what probably was a number of pages of information. It would set a dangerous precedent and put a chill on medical research if we start to micromanage individual NIH grants.

This has worked well over the years. We have had enormous progress because of these grants in achieving medical knowledge and giving the public a better health care system. I do not think this body, this committee, wants to get into the process of reviewing 120,000 grants and trying to pick 40,000 out of that group for funding.

I strongly urge the Members to reject this amendment; and I urge my colleagues to take this issue to the proper committee, the Committee on Energy and Commerce, and if they feel that NIH needs to have its processes reformed, then that is the place to do it.

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

Mr. REGULA. I yield to the gentleman from Florida, the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me; and in the interest of time, I am not going to repeat some of the arguments. The gentleman has made a very persuasive argument, and I associate myself with those remarks.

The chairman is right on target, and I just think that this would be a mischievous amendment and hope that we can defeat the amendment.

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

Mr. TOOMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. CHOCOLA), the cosponsor of this amendment.

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate his remarks and would like to associate myself with his earlier remarks.

With all due respect to the distinguished chairman and to the peer review process, I think this amendment is relatively simple. It lives up to our responsibility that we are really sent here to do, and that is to be a good steward of taxpayer dollars.

Now, not only does the appropriations fund grants that the gentleman from Pennsylvania (Mr. TOOMEY) mentioned, it also funds a grant that studies human linkages with the panda reserve in China. Now, I do not think I am going out on a limb to say that no one in the Second Congressional District of Indiana is going to benefit from this study. I doubt I am taking too much of a risk to say no one in any congressional district in America is going to benefit from this study.

Mr. Chairman, I come from a business background, and I am a new Member of Congress; but when someone in our company wanted to spend money, we had to take the ultimate responsibility. And although the peer review process is probably pretty good, there comes a time when you have to say no, when you have to say this money is not spent in the best interest of the American people.

Since I do not know that we can identify people who benefit from this taxpayer money being spent on these grants, I do know, as the gentleman from Pennsylvania pointed out, the people in my district have juvenile diabetes, they have cancer, they have AIDS, they have horrible diseases like Crohn's, and that is what we should be spending NIH money on. We should be eradicating these horrible diseases that ruin families, ruin individual lives rather than grants that really benefit no one that we can identify.

So I urge my colleagues to adopt this amendment.

Mr. TOOMEY. Mr. Chairman, may I inquire as to who closes in this process.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has the right to close.

Mr. TOOMEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time, and with all deference to the distinguished chairmen who have spoken here, I think that we do need to speak out at this point.

I have been concerned about this for a while. I sent a letter recently to NIH asking that they explain their decision to fund a study that is not covered here, it is another study, that paid women to watch pornography and to study arousal. The letter I received back was interesting. The NIH said, ''The research methods used in the grant were scientifically established and met ethical research standards.''

Now, I do not doubt that at all; but that is not the standard that we ought to employ here. The standard we ought to employ here is, is this a proper use of taxpayer funds, and I think on that level it surely fails.

I do not know how in the world, when we do not have enough money to fund things like the reaction of children to vaccines for childhood autism, that is one request that was actually denied because NIH came back and said we do not have sufficient money to do that, that is a serious disease affecting a lot of people. So we do not have enough money to do that; but then, in turn, we have enough money to fund a study to pay women to watch pornography. I think that is wrong.

The chairman noted there is peer review. Certainly there is. Again, the question we need to have answered is not whether this is scientifically based or reviewed, but is it proper for the taxpayers to fund. I would suggest that there is a lot of funding available out there from people like Larry Flint or others, but we should not be asking the American taxpayer to fund this kind of thing.

□ 1700

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly stand opposed to this amendment, but I understand why my colleagues want it. I do not think there is a thing in there I would support if asked to support, but I will say that I have hundreds of doctors and hospitals come to me every single day and ask me to direct NIH to do this or that. I personally believe that things and discoveries should be left up to NIH, that when something is close to helping, we should allow them to do that.

But once we get into politicians, which we all are, directing what NIH does, it is not what you are trying to eliminate, it is the whole broad perspective of what we could do in the long run. In the past, many of the diseases were politicized, and funding was taken totally away from others, and I want to stay away from that. I think it is a bad precedent, not on the gentleman's issue, but on the precedent of directing NIH. I reluctantly oppose the amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, years ago Senator Proxmire from my State used to have the Golden Fleece Awards. He was a good friend of mine. One year he made a whole lot of fun of a study on Polish pigs. They had a field day with it. Funny name, strange-sounding grant. Well, guess what? That study led to the development of a new blood pressure medicine which millions of people use today. The know-nothings in the Congress at that time would have eliminated that study. I do not think that would have been a good outcome.

I have served on the subcommittee that deals with NIH for a long time, and the one thing I came to understand very quickly is that the day that we politicize NIH research, the day we decide which grants are going to be approved on the basis of a 10-minute horseback debate in the House of Representatives with 434 of the 435 Members in this place who do not even know what the grant is, that is the day we will ruin science research in this country. We have no business making political judgments about those kinds of issues.

I would ask the following questions of the gentlemen who are offering this amendment: Can they tell me what score each of the grants received in the peer review process? Can they tell me who is on the peer review committee that takes a look at each of these in the study circles? Do you have objection to any of the persons who are on those study sections? I think the gentlemen have an obligation to answer those questions if they are going to bring something like this to the floor with no notice and no understanding of what these grants do.

Now, I would say that I do not have any idea what these grants do. I can imagine, though, that perhaps this study on so-called sexual arousal, that perhaps it is one way of trying to determine how you prevent child molestation or rape. I can also imagine with respect to the longitudinal study on sexual behavior of old men, NIH says this: ''Without a better understanding of age-related changes in men's sexual functions, physicians may assume that declines in function are normal when they actually reflect early symptoms of disease such as diabetes and heart disease.''

With respect to the study that relates to intervention for drug-using women sex workers, let us say you do not have any sympathy at all for the sex workers or their partners. I am concerned about the innocent partners of those partners. What about the wives of persons who go to these sex workers and then wind up getting disease? I think we ought to know as much as possible how to prevent transmission of disease, and what role drug use has in that process.

So without knowing anything about these, I return to my basic principle: We have NIH for a reason; we have peer review for a reason. I would rather trust the judgment of 10 doctors sitting around a table than I would 10 politicians sitting around a table when we decide how to allocate taxpayer money for those grants.

The reason NIH is there is so none of us bring our political biases to the table, and that is the way it ought to remain.

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

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

Mr. BAIRD. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman and dispute the comments of the gentleman from Indiana, and particularly the material he provided to his colleagues which said do not spend money for NIH panda research in China. In fact, the research has to do with population dynamics, the pressure on an ecosystem that supports the pandas, and the development of a population, including how those people can provide fuel and food for their children. It is a study of pandas; it is a study of human development.

There is a fundamental nexus between environmental quality, human health, and population pressures that impacts the world profoundly. The gentleman fails to recognize that and deceives his colleagues with the title of his amendment.

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time.

Let me say, we can read the entire application, and the projects do not sound any more compelling or any more convincing. The point is this is about priorities. There are just so many devastating diseases that are killing people every day in this country. There are many where the NIH is responsible for tremendous progress being made on so many fronts. I think we have an obligation to do as much as we can for those priorities.

Studying Asian prostitution in San Francisco massage parlors and the study of mood swings on sexual arousal does not strike me as deserving the same kind of priority as curing cancer in small children and so many other devastating diseases. That is what I think this is about.

As for the peer review process, as a general matter I completely agree with the peer review process, but I do not think that absolves us completely of our obligation to have some oversight on these issues and decide whether or not in some cases this peer review process runs amok.

That is what I think this debate is all about: Do we draw the line anywhere ever, or do we not. I think we do, I think we should on these specific grants, and I urge my colleagues to vote to adopt this amendment.

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

Mr. REGULA. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I rise reluctantly as well, but in peer review science, being in the middle of it is maybe not the place to effect change. Maybe we should set some parameters up front.

One of the studies here sounds fairly innocent. Research on pandas and their relationship sounds a little funny on its face, but when we look at it, and I can say it no better than a representative from Michigan State University, and I just want to read this, ''Perhaps at no other time in human history have the issues been so crucial as pandemics whose roots are found in animals spread across the globe: SARS, AIDS and monkeypox, to name a few. Dr. Lou's work is exactly the research needed to understand and plan for tomorrow's health issues.''

They are getting into understanding and study of how some of these diseases get transferred from animals to humans. I would argue that is very, very important work, and we ought to invest in it.

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

I urge my colleagues to vote against this amendment. We cannot start second-guessing and trying to review the work of NIH. They have very distinguished panelists, experts and scientists. They spend a lot of time on these. They have 120,000 applications. They do the best job they can, and they have been successful. I would urge my colleagues to go to the authorizing committee if they feel there should be some different procedures and bring that to their attention as they review these panel activities.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR STATE MAINTAINING COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage points for each quarter in fiscal year 2004 if the standards and methodologies of the State for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage shall not apply—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

(2) to the computation and application of the enhanced FMAP (described in section 2105(b) of such Act); or

(3) for any purposes other than payment to the State under title XIX of such Act.

(c) The increase in the Federal medical assistance percentage under subsection (a) shall be in addition to the increase provided under title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27).

(d) In the case an increase is provided under subsection (a) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for a calendar quarter in a fiscal year, the amounts otherwise determined for such territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) and applicable to such quarter shall each be increased by an amount equal to ¼ of 1.9 percent of such amounts.

SEC. 602. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 18 percent.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Here is what this amendment is all about. At a time when high unemployment is causing many Americans to lose their jobs and their job-related health coverage, State fiscal crises are leading States to cut back health coverage, Medicaid and SCHIP programs. According to the Kaiser Commission, 49 of the 50 States have implemented or are planning to implement cutbacks in Medicaid during fiscal year 2003. It is estimated that adoption of those cutbacks will lead to the elimination of health coverage for 1.7 million people. Many of them will be children.

This amendment would simply provide a 1 percentage add-on to the Federal assistance to every State for their Medicaid programs. To receive that additional aid, States would have to refrain from any further cutbacks in eligibility for children under both Medicaid and SCHIP and restore eligibility for children to the rules that prevailed on July 1, 2001. We would pay for the amendment by simply reducing the size of the tax cut for persons who make more than $1 million a year, from $88,000 to $72,000.

So the choice is simple. If you want to keep children on the health care rolls, if you want to make sure they are not knocked off the health care rolls in order to finance supersize tax cuts for people who make more than a million dollars, you will vote for this amendment. That is what the amendment does.

Again, if the majority chooses to exercise its right to offer a point of order, then we will, instead of appealing the ruling of the Chair, we will simply ask that we strike the enacting clause so that this bill may go back to the committee so we may have an opportunity

to offer an amendment which tries to prevent children from being knocked off the health care rolls. It is that simple. I would ask for a yes vote.

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

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, ''An amendment to a general appropriation bill shall not be in order if it changes existing law.'' The amendment amends existing law. Clause 5(a) of rule XXI states in part, ''A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.''

The amendment is clearly legislation as well as a tax or tariff provision, and is, therefore, in violation of the House rules.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I simply urge the Chairman not to insist on the point of order. If he does, I would concede the point of order and move on to the next motion I have already described.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have already explained the motion and in the interest of saving time and also striking the last word to sum up in the end, I am going to ask that Members vote to strike the enacting clause so that we can repair this bill in the manner I have just described. I hope they do that.

In the event that they do not, I am urging Members to vote no, because we do not believe that we ought to say to the country that we have room for $2 trillion in tax cuts, including an $88,000 tax cut for persons making over $1 million a year, but we do not have any room in the inn for children who need health care or need more help in Title I, for school districts who need more help on special education, and all of the others problems we have described today.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the motion.

I just want to say to all Members, we are getting close to finishing up here.

□ 1715

I would urge all the Members to vote ''no'' on all of the amendments, and I would urge the Members to vote for the bill. It is fair. It is balanced. It meets the needs of the 280 million people of this Nation, and I think it is a very positive step. It is reasonable in terms of cost, and I would hope we have a strong ''yes'' vote in support of the bill and a strong ''no'' vote on all the amendments.

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

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

Mr. OBEY. Mr. Chairman, I would like to thank the gentleman for the courtesies he has extended and to thank the staff on both sides of the aisle for the work they have done.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the motion of the gentleman from Wisconsin (Mr. OBEY) will be followed by 5-minute votes on the amendments to this bill that were postponed earlier today.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 13, as follows:

[Roll No. 348]

AYES—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
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
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
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
Kleczka
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
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
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
Ryan (OH)
Sabo
Sanchez, Linda T.
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 (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
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
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
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
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
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
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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 (AK)
Young (FL)

NOT VOTING—13

Allen
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Gilchrest
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1738

Ms. HART and Messrs. DUNCAN, HEFLEY, COBLE, COLE and WICKER changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

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. 6 offered by the gentleman from West Virginia (Mr. RAHALL), the amendment offered by the gentleman from Maine (Mr. ALLEN), the amendment offered by the gentleman from Wisconsin (Mr. OBEY) and the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

These votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 12, as follows:

[Roll No. 349]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
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
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
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
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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 (AK)
Young (FL)

NOT VOTING—12

Cox
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1747

Mr. PICKERING changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ALLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maine (Mr. ALLEN) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No. 350]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine

Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
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)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
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 (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
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
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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 (AK)
Young (FL)

NOT VOTING—12

Cramer
Ehlers
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1754

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 213, not voting 12, as follows:

[Roll No. 351]

AYES—210

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

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
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
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)

King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Houghton
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350, No. 351, No. 352 and No. 353. If present I would have voted ''nay'' on rollcall vote No. 352 and No. 353 and ''yea'' on rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350 and No. 351.

AMENDMENT, AS MODIFIED, OFFERED BY MR. TOOMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, answered ''present'' 1, not voting 11, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
LaHood
Latham
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gilchrest
Gillmor
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Bereuter

NOT VOTING—11

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1818

Mr. LANGEVIN and Mr. OSE changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of North Carolina, Mrs. KELLY and Mr. MCKEON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on the Toomey-Chocola Amendment, I voted present as I have a conflict of interest on research project RD01HD039789, a project of the National Institute of Child Health and Human Development through the Department of Fisheries and Wildlife at Michigan State University.

The CHAIRMAN. The Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004''.

The CHAIRMAN. There being no further amendments in order, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) 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. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 208, not voting 12, as follows:

[Roll No. 353]

YEAS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
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
Foley
Forbes
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
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
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
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
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crane
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
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
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
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
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
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Two minutes remain in this vote.

□ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, I was unavoidably detained due to weather grounding my commercial flight. Had I been present for rollcall vote No. 353 I would have voted the following way: Rollcall vote No. 353, Final passage of H.R. 2660—"yea."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

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

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of July 14, 2003, to grant a rule which could limit the amendment process for floor consideration of H.R. 2122, the Project BioShield Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room H–312 in the Capitol by 10 a.m. Tuesday morning, July 15, 2003. Members should draft their amendments to the text of the bill as reported by the Committee on Energy and Commerce on June 10, 2003.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I wish to inquire of the leader the schedule of the House for next week.

Mr. ROGERS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Monday at 10:30 a.m. for morning hour and 12 p.m. for legislative business. We will likely consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. We will also consider the fiscal year 2004 agricultural appropriations bill on Monday. Any votes called on these measures will be rolled until 6:30 p.m.

For Tuesday and the balance of the week, we may consider additional legislation under suspension of the rules. We are also expected to consider several bills under a rule including the fiscal year 2004 through 2005 State Department authorization bill; H.R. 2122, the Project BioShield Act of 2003; the fiscal year 2004 Department of Interior appropriations bill; and H.R. 2210, the School Readiness Act of 2003.

Finally, Members should be aware that on Thursday Prime Minister Tony Blair will address a joint session of Congress at 4 p.m.

Mr. Speaker, I thank the gentleman for yielding and will be happy to answer any questions he may have.

Mr. LEWIS of Georgia. Reclaiming my time, Mr. Speaker, I thank the gentleman from Michigan for responding, but I would like to continue to yield to him to find out if next week we are bringing up the Head Start reauthorization bill, and do you expect to have an open rule on this bill.

Mr. ROGERS of Michigan. Mr. Speaker, if the gentleman will continue to yield, I would defer to the Committee on Rules, but can assure the gentleman that the gentleman from California (Mr. DREIER) and his colleagues will work hard to address the concerns Members bring to that committee.

Mr. LEWIS of Georgia. Mr. Speaker, continuing to yield and to inquire, on Medicare prescription drugs, when does the gentleman expect we will appoint conferees on this legislation?

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for continuing to yield. We hope to appoint conferees to the bill on Monday and look forward to working fast and furiously on this issue.

In fact, I believe there have already been some informal conversations across the Capitol on this issue. Having said that, we do not intend to create any artificial time lines and, instead, will work as long and as hard as we can to get the best possible project.

Mr. LEWIS of Georgia. If this does occur on Monday, as the gentleman stated, when during the day would that be scheduled? What time of day would it be scheduled?

Mr. ROGERS of Michigan. Mr. Speaker, it would most likely be after the ag appropriation bill in late afternoon.

Mr. LEWIS of Georgia. Mr. Speaker, when does the gentleman think we might see a conference report? Would it be before the August recess?

Mr. ROGERS of Michigan. Again, Mr. Speaker, if the gentleman will continue to yield, I would defer to those who are involved in the conference. We are not going to set any artificial time lines. We want to make sure we have the best possible product, and so we will move ahead on Monday with the conferees, and certainly after next week we can reassess where we are time-wise.

Mr. LEWIS of Georgia. Mr. Speaker, I would continue to yield to my friend from Michigan on the child tax credit. When does he expect the conference committee to meet to report out a conference report? It has now been 27 days, 22 hours-plus since we appointed conferees. Does the gentleman have any idea when we can expect a report coming to this House?

Mr. ROGERS of Michigan. I thank the gentleman from Georgia for continuing to yield.

As we understand, there are some differences, and we hope the Senate conferees can quickly realize the sensible approach of the House and allow us to move a conference report before the end of July. Certainly that would be our hope.

Mr. LEWIS of Georgia. Mr. Speaker, I will continue to yield to my friend from Michigan to inquire about trade agreements. Does the gentleman anticipate that we may have votes before the August recess on any trade agreements?

Mr. ROGERS of Michigan. Mr. Speaker, I understand that both the Committee on Ways and Means and the Committee on the Judiciary held markups of the proposed Chilean-Singapore trade agreements this week. And while we have a significant amount of work to do in the next 2 weeks, I am hopeful we can find some time to consider this legislation before August. But, again, we will not set any artificial time lines, although we do hope that can happen.

Mr. LEWIS of Georgia. Let me say to my friend from Michigan, Mr. Speaker, that it seems like we are going to be very busy during the next few days before the August recess.

Mr. ROGERS of Michigan. Mr. Speaker, we will have a 5-day workweek certainly both weeks before the recess.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for responding to the questions.

ADJOURNMENT TO MONDAY, JULY 14, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, July 14, 2003, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, JULY 17, 2003, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, July 17, 2003, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1474, CHECK TRUNCATION ACT OF 2003

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

Messrs. OXLEY, BACHUS, LATOURETTE, Ms. HART, and Messrs. TIBERI, FRANK of Massachusetts, SANDERS, and FORD.

There was no objection.

□ 1845

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Iowa?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

AIDS IN UGANDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, as we all know, this week the President is in Africa visiting five countries and describing his personal commitment to combating the global HIV/AIDS pandemic, among other things. This is a good thing.

Just 6 weeks ago the President signed into law H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, to provide $15 billion over 5 years to 12 African countries and Haiti and Guyana in the Caribbean. Throughout the debate on this bill, which Uganda's approach to its own AIDS epidemic was highlighted very prominently as a model for the bold initiative that we were proposing and for our heavy reliance on the ABC model of prevention. That is, abstain, be faithful, or use a condom.

People on the ground in Uganda were telling us that while the message of the ABC model was important in helping to drive down infection rates and raise awareness of this disease, it was equally important that Uganda's President Museveni exerted strong political leadership in combating the disease and for the country to engage in a frank and open dialogue about sex and how the disease is transmitted.

But when we were debating this bill, the administration and social conservatives in this body put their own spin on Uganda's AIDS efforts by claiming that it was primarily the practice of abstinence that had reduced Uganda's rates from 15 percent to 5 percent in over 10 years despite evidence to the contrary.

In debate during the committee markup of H.R. 1298, we successfully placed abstinence, fidelity and the use of condoms on equal footing by successfully passing an amendment which I offered. The majority of members on the committee understood the danger of attempting to steer our prevention funding from Washington instead of allowing each individual country to determine how best to spend its prevention resources. Even the Washington Times indicated in an editorial on May 1, 2003, that it would be better to leave such decisions to experts in the field.

Unfortunately, the social conservatives in this body did not heed this very practical advice and persisted in promoting a misguided amendment that directs 33 percent of all prevention money in the bill towards abstinence-only programs. Now 6 weeks after the President signed the bill that we passed into law, he is visiting Africa to tout his commitment to fighting AIDS in Africa. Everywhere Africans are wondering what the true depth of the President's commitment is to fighting AIDS in Africa, and whether or not he will provide the full $3 billion per year authorized in our legislation.

There is also a considerable amount of concern in Africa that the President's focus on abstinence as the most important method of prevention will sidetrack the initiative based on an unrealistic understanding of the situation on the ground.

I want to be clear here. I agree that abstinence is an important method of prevention, but it must be balanced by a comprehensive prevention policy that includes the use of condoms, otherwise it cannot be effective in stopping the spread of the virus. It is important for programs like the AIDS Support Organization of Uganda, which runs the clinic in Entebbe that the President will visit tomorrow, to provide this kind of comprehensive education so that young adults who are just becoming sexually active know what to do to protect themselves.

Mr. Speaker, we are right in the thick of the appropriations process that provides the funding that will carry out this initiative. Unfortunately, we are about $1 billion short of the $3 billion authorized in our global AIDS legislation, mostly because the President does not believe we should provide more than $2 billion this year.

I am hopeful that by visiting the TASO clinic tomorrow, the President will understand the true gravity of the situation and will push for the full $3 billion in funding. The lives of thousands of Africans can still be saved if this money is provided now. That is why over 100 Members of this body wrote President Bush asking him to provide an emergency appropriation of $1 billion in funding if we are unable to get $3 billion through the regular appropriations process.

So it is not too late, and I am asking this Congress, I am letting the rest of our country know that the President is visiting Uganda tomorrow and that we want people in Africa to understand that we are committed in terms of delivering on the promises which we made in terms of making sure that the full $3 billion that we authorized becomes real.

PRESCRIPTION DRUG COSTS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the price that Americans pay for prescription drugs relative to the rest of the world.

As I have often said, I think we as Americans ought to be willing to pay our fair share. But as Members can see, and I apologize for this chart, the numbers are a bit hard to read for Members who are watching on C–SPAN in their offices, but if you cannot read the chart, it is available on my Website. Simply go to gil.house.gov, and Members can review this chart.

This is a chart essentially showing the prices that we paid for prescription drugs, 10 of the most commonly prescribed prescription drugs, when I was in Germany 2 months ago. Then we asked some of the local pharmacies here in Washington how much those same drugs, same dosage and number of tablets, would be here in the United States.

Let us take this drug, Coumadin. This is a drug that was developed originally at the University of Wisconsin veterinarian schools. It was a rat poison. It was designed to help kill rats. It is a blood thinner. When they consume it, they mix it with feed, and the rats eat it, and they go back to their dens and bleed to death internally. It was found that in small dose dosages this was very effective for people with heart conditions. My 86-year-old father takes Coumadin. We bought this drug in Germany for $21 American. This same package here in the United States sells for $89.95.

Glucophage is another drug we bought in Germany. It is an effective drug against diabetes, borderline diabetes. I am not a doctor, and I do not play one here in Congress, but we bought this drug in Germany, 30 tablets, 850 milligrams, for $5. That same drug here in the United States sells for $29.95 for the same package. The report goes on and on.

Prozac, we had a relatively small difference. We bought Prozac for $36.46, but here in the United States it was $49.95.

But then a drug like Pravachol, the price we paid in Germany was $62.96. That same drug and same dosage in the United States is not $62 but $149.95.

My wife takes a drug called Synthroid. She has a problem with goiter. Synthroid in the United States, 50 tablets of 50 milligrams sells for about $21.95. You can buy that exact same drug probably made in the same plant under the same FDA approval in Germany for only $4. So $21.95 in the United States, $4 in Germany.

Then I come to the one that really chaps my hide because we hear about the reason these drugs are so expensive is because it is so expensive to develop them, the research and development costs. And I recognize there are costs, but let us talk about tamoxifen, which was essentially developed by the NIH. So we paid for it. The American taxpayers paid for virtually all of the research and development. We bought 60 tablets, 20 milligrams of tamoxifen in Munich, Germany, for $60. That same drug in the same package sells in the United States for $360.

Now, tamoxifen is a very effective drug against women's breast cancer. We are happy to pay our fair share for the research costs; but as I always say, we ought to be willing to subsidize the poor people in sub-Saharan Africa, we should not be required to subsidize the starving Swiss.

And that is what is happening today because American consumers are being held captive. Some people ask why are prices so much cheaper in Europe. Well, in part they have something called price controls. That is part of the answer, but it is not the whole answer. They also allow in Germany, for example, they allow German pharmacists to do parallel trading. So the German pharmacist can order the drug wherever they can get it the cheapest. That is called competition. That is how markets work.

Mr. Speaker, I have introduced a bill called the Market Access Act, which would allow American pharmacists and American consumers to have that same kind of opportunity to go into the world markets. There are roughly 25 countries that are already recognized as having similar FDA-type regimens as we have in the United States, 25 countries are already recognized in the statute, and the bill I have would allow our pharmacists and our consumers to have access to those markets.

It may not be the perfect answer, but if Members do not like my plan, what is your plan? What is the administration's plan? What are we going to do about this? Because I will tell Members if next year we come back, and if Americans are still required to pay six times the amount for the same anticancer drug, they are not going to say shame on the pharmaceutical industry, they are going to say shame on us.

The time has come to make certain that Americans have access to world-class drugs at world market prices.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from the District of Columbia (Ms. NORTON).

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

There was no objection.

LABOR-HHS APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say to my good friend that previously spoke on the issue of dealing with the high cost of prescription drugs, I accept the challenge, and I believe it is crucial that this House address this question, and it is a travesty that our senior citizens and others are bearing this enormous burden.

I hope that we can get to work as a House on behalf of the people of this Nation. It seems too long that we have come to the floor and simply acknowledged that we are here either paddling water, swimming upstream, and maybe causing the American people to drown. We are in this boat, leaking boat, because we decided, the majority did, a few months ago, that it was more important to give a $550 billion tax cut of which the richest of Americans will get somewhere about $90,000, and then as we decided to strip our finances to its bare bones, we now come and debate today on the floor of the House in a couple of hours one of the most appropriations bills we will ever see in the course of this season of appropriations.

□ 1900

And that is the Labor-HHS bill dealing with the neediest of Americans, but frankly dealing with all Americans. And, Mr. Speaker, I think it is important to simply call the roll with respect to what we did today. We passed a bill, although very narrowly, that breaks all of the promises to Americans who have worked hard, who have contributed to this country, and who believe that we in this Congress are here to provide them with a big umbrella, the necessities of life that they have helped build in this Nation.

But what did we do? We cut overall education funding. We promised $3 billion, but in this budget we only had $2.3 billion or a 4.3 percent increase. So in essence, we have left many children behind. This bill only provides a $382 million, or 1.6 percent, increase over current funding for the Leave No Child Behind Act. So in essence we have millions of children that will not be served because of the bill we passed today. In real terms this funding is $8 billion short of what we need. Special education that I thought was an issue that all of us can come together around, we absolutely left that standing by the wayside, a $1.2 billion shortfall so the children that need special ed, the teachers that need to be in the classrooms to give our children that extra added lift will not exist. On title I funding for the poorest of our children, $12.35 billion provided in the bill, it is $334 million short. The title I program will eliminate being able to serve 9 million children. It was promised for 9 million children, and yet we will not have that amount of money.

It reduces our commitment to support college education. It reduces the amount of Pell grants compared to 84 percent when Pell grants were first established. This amount only meets 38 percent of college costs. Nearly 5 million students depend on Pell grants. The majority of them have incomes of $30,000 or less. And one of the things that we note in this country is that education is the great equalizer, but we passed a bill today that totally eliminates opportunities for millions of children.

In Houston, in the heat of the summer, Texas and southern States do not get LIHEAP moneys, but every year we face a heating crisis. When I say that, it is too hot and we do not have the resources to provide individuals with cooling dollars. Every year I organize a heat crisis team to go out and solicit air conditioners because my senior citizens and the disabled and others do not have the resources. But yet we can cut the LIHEAP moneys and treat those southern States that may not have the cold weather but have the hot weather in an unfair status. National Institutes for Health moneys have been cut drastically. So we have cut right at the heart the major resources for research that can help save lives.

I heard our President himself speak about community health centers, the need to bring health clinics closer to the people. But what do we do? Our community health centers serve 13 million people who lack access to health care in rural and urban areas, and yet we have inadequately funded those so the very local communities that were trying to bring health care to our rural communities, obviously no help.

Unemployment programs, Mr. Speaker, can my colleagues believe it? Unemployment at its all-time high, 6.4 percent, the highest in 9 years. African Americans at a rate of 1.971 million unemployed African Americans. The number of unemployed has reached 9.4 million. But yet we voted on a bill today, which I voted against, unfortunately it passed by the Republicans, of course, that takes money away from unemployment programs, $150.8 million. We take money away from homeland security. We take money away from helping the nursing shortage.

And then we do things that breaks the camel's back. Just a few days ago, I wrote a letter to the Department of Labor when they were closing the door on comments about their overtime regulation that would cut into the overtime of hard-working Americans. When I said to my constituents, Can you believe it, that they are going to give you time off, that you do not know when you will get the time off, instead of overtime?,'' they were outraged. We put an amendment on the floor to prevent that. Lo and behold, it was defeated.

This Labor-HHS bill is absolutely the worst, Mr. Speaker. We needed to vote it down. We did not vote it down. We need to throw it out and start working for the American people.

The unemployment rate jumped to 6.4 percent in June—highest since April 1994. The 6.4 percent unemployment rate is the highest unemployment rate since April 1994—nine years ago. According to the Bureau of Labor Statistics data released this morning, the national unemployment rate jumped to 6.4 percent in June from 6.1 percent in May. The 0.3 percentage point jump was the largest month-to-month rise since the September 11th terrorist attack.

The unemployment rate was 6.8% in Texas for May 2003—that is higher than the national average. The Number of Unemployed Has Now Reached 9.4 Million. Similarly, the number of unemployed rose to 9.4 million in June from 9.0 million in May. Just in the last three months, the number of unemployed has shot up by 913,000. Furthermore, 9.4 million is an increase of 59 percent in the number of unemployed since January 2001.

African Americans have cause for real concern because the African American unemployment rate for June 2003 is 11.8%, up from 10.8% in May 2003. There are now 1,971,000 unemployed African Americans.

Since President Bush was inaugurated in January 2001, the economy has lost a total of 3.1 million private-sector jobs—with the economy shedding another 31,000 private-sector jobs in June. Indeed, since the beginning of the year, the economy has shed an additional 307,000 private-sector jobs. It is truly astonishing that more than two years after the recession began in March 2001, the economy is still losing jobs.

No President since World War II has seen job losses during his tenure. President Bush seems destined to break this record. More than halfway through his term, he has lost more than 88,000 jobs per month. The poor economy under the Bush Administration has had a particularly devastating impact on the Nation's manufacturing sector—a sector that historically has provided an important underpinning for our economy. In June itself, the economy lost an additional 56,000 manufacturing jobs. Indeed, overall, 2.4 million of the net loss of 3.1 million private-sector jobs since January 2001 have been in the manufacturing sector—a staggering statistic.

The unemployment rate for African Americans jumped to 11.8 percent in June—up from 10.8 in May, and significantly higher than the 8.2 percent rate back in January 2001. The unemployment rate for Hispanics stood at 8.4 percent in June—similar to the 8.2 percent in May but significantly higher than the 7.5 percent in April. Back in January 2001, the Hispanic unemployment rate was 5.9 percent.

In June, the number of those unemployed for more than 26 weeks was 2.0 million—up by 106,000 from May. The figure of 2.0 million is more than triple the number of Americans unemployed for more than 26 weeks in January 2001—when it stood at 648,000.

Despite the fact that the recession began more than two years ago, the job market remains remarkably weak. The average length of a job search is now 19.8 weeks—about five months. Indeed, the average unemployed worker has applied for 29 different jobs. It is estimated that there are more than three unemployed workers for every available job. Back in January 2001, the average length of a job search was 12.6 weeks.

In January 2003, House Democrats unveiled a responsible economic plan for creating jobs and jumpstarting the economy. According to economists, the Democratic package would have created more than 1 million jobs in 2003, without increasing the long-term deficit—by putting money and purchasing power in the hands of consumers, giving tax breaks to small businesses and encouraging business investment, and providing adequate help to cash-strapped states in order to avoid tax increases and service cutbacks at the state level. Unfortunately, the GOP-controlled Congress ignored the Democratic plan and instead enacted a fiscally irresponsible $350 billion tax cut package targeted to the wealthest taxpayers—a package that will create enormous long-term deficits, not jobs. Furthermore, the GOP tax cuts will starve key investments to promote economic growth, such as education and infrastructure, and will leave middle-class taxpayers paying a greater share of all taxes.

MILITARY DEATH GRATUITY IMPROVEMENT ACT OF 2003

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

Mr. JONES of North Carolina. Mr. Speaker, to my left are photographs of just a few of the men and women that were killed in Iraq and Afghanistan in the last year and a half. And the reason I came to the floor is because we passed the House in a very bipartisan way legislation to bring some tax relief to our men and women in uniform, and I came to the floor because the other body has not taken this legislation up.

I happen to have a bill, H.R. 693, it is called the Military Death Gratuity Improvement Act of 2003. A lot of people do not know this throughout this country, but every time a man or woman in uniform, whether it is wartime or nonwartime, is killed, the family gets what is called a death gratuity. Quite frankly it is not enough, but it is $6,000 that is given to the family. In 1991 they raised the death gratuity from $3,000 to $6,000, but they failed to take the tax off $3,000. So therefore at the end of the year the family who has lost a loved one fighting for freedom to protect us and this great Nation will probably get a tax bill from the IRS. And I must say, Mr. Speaker, I think it is absolutely unacceptable that this Congress would allow the family of a deceased man or woman in uniform who has died fighting for this country to get a bill from Uncle Sam saying they owe a tax on a small amount of money, $6,000.

So I wanted to come to the floor tonight because I have three bases in my district, Camp Lejeune Marine Base and Cherry Point Marine Station and also Seymour Johnson Air Force Base; and I have a great affection for our men and women in uniform, all services, not just those that I named, the Marines and Air Force, but all. And, again, I think that as we debate these large issues here in Washington, and they are very important issues no matter which side of the political aisle one is on, the least we can do is to take this tax off for the family who has lost a loved one fighting for freedom in Iraq, fighting in Operation Enduring Freedom, and I just hope that the other body, Mr. Speaker, very soon will pass this legislation, not just the bill I put in, which is part of a bigger package, but we need to make sure that in the year 2004 when the families who have lost loved ones receive their tax bill that they are not going to see a tax on the death gratuity that was given to family.

So, Mr. Speaker, I must say as I begin to close that my staff, and I want to compliment my staff, we have a photograph outside my office of everyone that has died in this fight for freedom in Operation Freedom in Iraq and also those that were killed in Afghanistan. So I hope, and again I am being repetitious but I do not apologize for it, that the Senate will do their job and make sure that the family that receives not only the notice that their son or daughter has given their life for this great Nation but also to make sure that at the end of the year that family does not receive a notice from Uncle Sam that they owe a tax on $6,000.

So, Mr. Speaker, I close the way I do all over my district. I ask God to please bless the men and women in uniform. I ask God to please bless the families of those who have men and women in uniform. And I ask God to please in his loving arms hold the families who have lost loved ones dying for freedom, and I ask God to please bless the House and Senate that we will do what is right in the eyes of God. I ask God to bless the President, that he will have the strength and the wisdom to lead this great Nation. And I ask three times, God, please, God, please, God, please continue to bless America.

PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the most important issue of prescription drug cost. As a former nurse,

I am committed to making sure that seniors have the drugs they need to stay healthy without having to make painful choices between buying groceries or paying rent or getting prescriptions filled or even paying their utility bills.

As the Medicare issue continues to be debated in Congress, I have always supported what is best that I felt for working people of America. I understand that Medicare provides for so many who have provided so much to our Nation and continue to do so, and I believe sincerely that Medicare should have a provision to work with the pharmaceutical companies, to get discounts just as the discounts are received prior to the senior citizens turning 65.

In a study conducted nationwide, Advance PCS found that the average person over 65 fills about 20 prescriptions per year compared to about three per year for a person in their 20s. This study shows that average cost per prescription for a person in his or her late 60s is about 45 percent higher than the average cost per prescription for a person in their 20s. Brandeis University reported that the percentage of elderly spending more than $3,000 annually on medication more than doubled from 1997 to 1999, from 3.7 percent to 8.6 percent. The U.S. Census Bureau estimates that the over-65 population will increase by an average of 304,400 people each year between 2000 and 2005. According to Families USA, the average cost per prescription for seniors has already risen during that time in the past 8 years by 48 percent.

It is for these reasons that we must address the high cost of prescription drugs for our seniors. Unfortunately, legislation recently passed in this House does not entitle seniors to any particular drug benefit plan. Instead, the Republican-backed Medicare Prescription Drug and Modernization Act of 2003 provides only a standard benefit and is merely a suggestion for what private plans might offer. This plan provides no assistance for prescription drug cost between $2,000 and $5,600 per year, and nearly half of all of our seniors have prescription drug expenses over $2,000 annually.

Democrats know that the American seniors have waited long enough for relief from the Nation's skyrocketing prescription drug prices. Unfortunately, we are not giving our seniors an affordable and dependable plan with no gaps in coverage. Instead, the Republican leadership has chosen to hijack the democratic process yet again by blocking our party's attempts to provide a commonsense prescription drug benefit through the Medicare program. By shutting down opposition, rather than allowing an open debate, the Republican leadership is making it clear that they are afraid to compare their sham prescription benefit plan to the Democratic substitute. When the plans are put side by side, the American public sees that the Republican plan fails to provide any substantive benefits. The public will see that their plan's benefits are so insignificant that it would not be worthwhile for many middle-class seniors to enroll. The Republican plan does nothing to curtail the exploding drug prices because of their ties to the pharmaceutical industry, and that is a matter of record that can be checked.

Providing affordable prescription drug coverage should be an issue that transcends partisanship. The American public should be outraged that the Republican leadership is playing politics with the health and well-being of millions of our seniors, and I hope the voters will remember their shameful abuse of power when they go to the polls next November.

CLEAR ACT OF 2003

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

Mr. NORWOOD. Mr. Speaker, I rise today to share the tragic tale of a New York mother's brutal attack, why it should never have happened and what can be done now to ensure that it never happens again.

Mr. Speaker, just this past December, a man and woman were sitting in a New York City park when they were suddenly surrounded by a gang of young men. The gang kicked and beat the woman before dragging her along the nearby railroad tracks, forcing her into woods where they threatened to kill this 42-year-old mother of two and repeatedly raped her. Mr. Speaker, it was a vicious, shocking, horrific crime. But, Mr. Speaker, it was a crime that should never have happened.

□ 1915

That should have never been allowed to happen in the first place. The reason it should have been prevented is that the five males charged with carrying out this heinous act were living in the United States illegally. Even more unbelievable, four of them had criminal pasts and had been in the hands of law enforcement authorities, two actually having served jail time. But instead of being immediately deported, as the law says, they were released back on to the streets, back into our society, allowing them then to commit more crimes.

Sadly, Mr. Speaker, this is just one story of many stories, stories of crimes that should have been prevented, of victims that should have never been. These stories are a reflection of our immigration law enforcement system in our Nation that is badly broken and in need of immediate repair. It is a system that provides little or no coordination between Federal, State and local officials, is badly outmanned, and results in safe havens for common criminals who roam the countryside instead of safe streets for the law-abiding citizens who call this home, and needlessly and increasingly endangers the very homeland security of the United States at a very critical time in our Nation's history.

Mr. Speaker, today in America there are almost 400,000 individuals who have been ordered deported, but are instead hiding out in our communities. Of these, roughly 80,000 are criminal aliens, and I am not talking about running a stop sign, I am talking about violent criminals. That means there are 80,000 illegal aliens with criminal convictions that are on the prowl, thanks to our broken immigration system.

So what great force does our Federal Government provide to enforce the immigration laws of our Nation and account for the 400,000 illegal aliens with standing deportation orders, or the 80,000 of those who are criminal aliens? Just 2,000 folks who work for the Bureau of Immigration and Customs Enforcement.

Mr. Speaker, as they say in north Georgia, these folks have just got more than they can say grace over. These 2,000 men and women work hard, they are good people, but, as the numbers suggest, it is not a fair fight, and this is not a realistic goal, if we intend to enforce our immigration laws.

Mr. Speaker, it is time we got serious about fixing our sad immigration law enforcement system. This week, after much thought and work, I introduced the Clear Law Enforcement for Criminal Alien Removal Act. We are going to call it the CLEAR Act of 2003. It is a bill that would finally give assistance and motivation to those 2,000 agents in the field by granting local and State law officers access to data, clarification of the jurisdiction, and appropriate funding and training to help them. Finally, it gives clarification and teeth to the laws already on the books, and order and accountability to a system that has been lacking in much of that for far too long.

Mr. Speaker, we have an opportunity here, I believe, to finally insist that this country enforce the laws that are on our books. We are a Nation of laws. I believe that. I believe that is what makes America great. But for us to say that we are going to enforce our laws against 400,000 illegal aliens that are out there with deportation orders, or the 80,000 that are criminals, or the 4,000 that come from countries friendly to al Qaeda, or the 10,000 or so that are needed for questioning by our national security agencies, at a time when we are concerned about terrorists, we simply absolutely must do something about this, and the CLEAR law will do that. I encourage my colleagues to look at our bill and hopefully cosponsor it.

IMPACT OF THE BAKU-TIBLISI-CEYHAN PIPELINE

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

Mr. PALLONE. Mr. Speaker, I come to the House floor today to express my concern over the Baku-Tiblisi-Ceyhan pipeline, which is designed to transport oil from the Caspian Sea. This pipeline has been in the planning stages for years, but this year ground was actually broken for the pipeline in Azerbaijan. The proponents of this pipeline have touted its numerous benefits in recent years, but last month an Amnesty International report identified major problems that I would like to address this evening.

Amnesty International's report, Human Rights on the Line, is a thorough and convincing look at how large oil companies put the business of oil over the lives of those that stand in the way of its delivery. The executive director of Amnesty International, Dr. William Shultz, recently blasted the consortium, led by British Petroleum, that is financing the pipeline.

He said, ''While BP claims to be socially responsible as the leader of the BCT consortium, it has essentially encouraged the Turkish Government to sign away its ability to fully uphold human rights.''

Mr. Speaker, in contractual agreements between companies and governments, human rights should not be negotiable.

In their report, Amnesty International cited five main areas of concern with the pipeline project. They argue that the contract signed between British Petroleum and the Turkish Government, known as the Host Government Agreement, places the business agreement above human rights, and this agreement will violate the principles of human rights in five ways.

First, a land grab by the Governments of Turkey, Georgia and Azerbaijan along the route of the pipeline. Over 30,000 people who live in villages and farmland along the path will be permanently displaced without their having any input into the decision or receiving any compensation.

Second, little to no enforcement of health and safety legislation in each of the three host countries for the workers and locals that work on and live near the pipeline.

Third, the serious risk to the human rights of any individuals that protest the pipeline's construction. If the local residents protest the construction, they are likely to be brutally suppressed.

Fourth, Mr. Speaker, all the water resources in the vicinity of the pipeline will be used for its construction. Local residents and their farms and livestock will face a severe water shortage as a result, and their water supply is also likely to be seriously polluted from the construction.

Fifth, the agreement that Turkey and British Petroleum signed actually creates an economic disincentive to uphold human rights. The text of the agreement states that Turkey has to pay compensation to British Petroleum for not meeting construction deadlines. The Turkish Government would almost be forced to ignore the basic concerns of its population in order to meet deadlines set by the oil companies.

Mr. Speaker, I plan to bring the Amnesty International report on the Baku-Ceyhan pipeline to the attention of our Congress and our Caucus on Armenian Issues. We will ask the authors of the report to present their findings to the Armenian Caucus in the coming weeks.

This practice of sacrificing the things we hold dear for 10 to 20 years of oil cannot continue. How much of the environment are we willing to destroy? How many of our basic human rights will we continue to hand over to the oil companies?

Mr. Speaker, lastly, the U.S. Government, in my opinion, should certainly not provide any economic incentive for this pipeline until a thorough review of the human rights and ecological problems is completed.

GRANTING SALES TAX DEDUCTION ON FEDERAL TAX RETURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, in 1999 I began battling imposition of a State income tax in Tennessee. Our State spent 4 years debating the ability of government to levy new taxes and the meaning of tax fairness. The battle was long, and it engaged virtually every taxpayer in Tennessee. At the end of the day, those that supported the State income tax lost. Tennessee stood up and said enough is enough, and they rejected a massive tax increase.

Traveling through our beautiful State, I met people in city halls, people in coffee shops, and I gained tremendous appreciation for what those patriots must have felt when they dumped the tea into the Boston Harbor during the Boston Tea Party. I really continue to take heart in the way average citizens, people who have really never taken an interest in politics, the way they have become marching, sign-waving, horn-honking activists, and the way they have united against another tax increase.

With the defeat of a State income tax in Tennessee, I came to Washington prepared to work for legislation that would allow citizens of States without a State income tax the right to deduct the sales tax from their Federal income tax filings. Right now, if you pay State income taxes, you can deduct those payments on your Federal returns, but if you only pay sales tax, you cannot deduct it, and that is unfair.

The Nation's Tax Code effectively punishes States without an income tax, States like Tennessee, Texas, Florida, Washington, Wyoming and South Dakota.

Mr. Speaker, there are more than 53 million people that live in States that do not have a State income tax. That is nearly 20 percent of our entire population. I want to say that one more time. There are nearly 53 million people that live in States without a State income tax. That is nearly 20 percent of our entire population. And these people are being penalized every single year when they fill out their Federal income tax filing. All of these people have been or will be taxpayers, and they deserve tax fairness.

America's seniors would also be supportive of this effort. There are millions of seniors in this country. Many probably do not have a great deal of State income tax payments to deduct on their Federal returns, but they certainly have State sales tax payments. So the support is clear. There are millions of Americans in States across the Nation who want and deserve this deduction.

Mr. Speaker, I have made this a priority. I have worked very closely with the gentleman from Texas (Mr. BRADY), the gentlewoman from Wyoming (Mrs. CUBIN), the gentlewoman from Washington (Ms. DUNN), and our majority leader the gentleman from Texas (Mr. DELAY). I have testified before the Committee on Ways and Means on this issue, and I have taken every opportunity to talk to Members and work with Members on both sides of the aisle on this most important issue.

The sweat is paying off. Today the New York Times drew attention to this issue and pointed to this House's engagement on the effort. There have been articles in papers across Tennessee, Florida, Washington, and the list goes on and on. The word is spreading. We are closer than ever before to winning passage of a sales tax deduction, but the time is not here for celebration. It is time to put our noses to the grindstone and work to find the right vehicle for the sales tax deduction.

The momentum is building, and it is time for fairness for the people who live in States without a State income tax. They deserve this deduction, and it is time for them to have it.

GROWING CONCERNS ABOUT U.S. POLICY IN IRAQ

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

Mr. MCGOVERN. Mr. Speaker, over the past few days and weeks, an increasing number of my constituents have contacted me to express serious questions and growing concerns about U.S. policy in Iraq. I, too, have questions, and I share their concerns.

For example, in the months since U.S. forces invaded Iraq, overthrew Saddam Hussein and his government, and gained control of the country, no weapons of mass destruction have been found, despite repeated assertions by

the Bush administration before the war that Iraq possessed large stockpiles of these weapons; not weapons programs, which is the terminology the administration now chooses to use, but weapons themselves.

On August 26, 2002, Vice President Cheney said, ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.''

Have we made any progress at all in finding those weapons? Have the dozens of Iraqi scientists interviewed by American intelligence officials provided any useful information? Is the administration still confident that weapons stockpiles will be found?

It is not enough to say, well, other people thought Iraq had weapons, too, because neither the Clinton administration nor the United Nations launched a war based on their suspicions. The Bush administration did, and the burden of proof rests on their shoulders.

The White House has recently admitted that a piece of evidence used in the State of the Union no less as proof of Iraq's nuclear weapons program is not credible. I am referring to the assertion that Iraq had attempted to purchase yellow cake uranium from Africa. The administration now says that the proof of that claim was not strong enough to merit inclusion in a Presidential speech.

□ 1930

But, Mr. Speaker, the intelligence community knew at the time of the State of the Union that the Africa uranium story was not credible, which leaves us with two possibilities: either the administration knew the claim was bogus and chose to make it anyway, or critical intelligence information did not make it into the hands of the President or the dozens of people who wrote, reviewed, edited, or commented on the State of the Union.

Both of these possibilities are deeply disturbing.

This is not some small matter, as some would have us believe. The majority leader of this House the other day dismissed questions about the uranium issue, saying it is ''very easy to pick one little flaw here and one little flaw there.''

One little flaw? I could not disagree more. The specter of an Iraqi nuclear attack was cited as an important and compelling reason the United States launched a preemptive, nearly unilateral invasion that has led to the deaths of over 200 American soldiers.

On the path on war, the Congress and the American people deserve fact, not selective spin. We may have honest disagreements about how to respond to the threats posed by other countries, but we must have a credible assessment of what those threats really are.

More and more, it looks like we did not get that credible assessment.

And if the buildup to the war was flawed, its aftermath looks even worse.

Mr. Speaker, U.S. soldiers are being constantly attacked; dozens have been killed since the President was flown onto the USS *Abraham Lincoln* and declared the war to be over.

It is becoming disturbingly clear that the administration did not have a coherent, workable plan in place to deal with the realities of post-war Iraq. Basic infrastructure, the economy, political and civil society, are all in bad shape. Worse, attacks against American soldiers appear to be growing in both intensity and coordination. And President Bush's response to these attacks? ''Bring 'em on.''

Well, I must say that I was deeply, deeply disturbed by such a cavalier comment. It does not take any courage for a President or a Member of Congress to say such a thing. We are not out there on the front lines, standing nervous guard in the searing heat, unable to distinguish friend from foe, with lousy food and no idea of when a reunion with loved ones will come.

These are some of the concerns that I share with a growing number of Americans.

One of my constituents from Worcester, Massachusetts, wrote, ''Americans were made to feel that their lives were in immediate danger; yet months later, no weapons have been found. Americans do care. I did not take to the streets in protest during the war, because I wanted to believe that our government had substantial proof that it was vital for our security. I love my country, because I am allowed to ask these questions. Silence and apathy can also be dangerous to national security.''

I believe it is time to get the United Nations and the international community more fully involved in the reconstruction process. We cannot do this by ourselves or with a small hand-picked group of others.

Mr. Speaker there is a lot at stake here. We need to get this right. We need to know the truth, and all of us, Democrats, Republicans, and Independents have a responsibility to pursue that truth. We have a responsibility to continue to ask tough questions and demand straight answers.

Thorough, bipartisan, and public investigations are in order. And I strongly support the creation of a select bipartisan commission to conduct those investigations and make the results known to the American people.

One final thing, Mr. Speaker. Never, ever again should we rush to war. This House had 1 day of debate on Iraq in October. One day. Congress did not ask the right questions. Congress did not demand the right proof. Our lack of thoughtful debate reflected very poorly on this institution; and today, Mr. Speaker, sadly, we are paying that price.

MEDICAL LIABILITY REFORM IN DANGER IN SENATE

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

Mr. BURGESS. Mr. Speaker, I rise this evening with great concern about a recent development that occurred yesterday here on the Hill. In the other body, the failure to close debate on medical liability reform, the most important legislation that this body passed in March, was to address this crisis; and now that reform is in danger.

The House passed H.R. 5 to control unsustainable medical liability premium increases and to preserve patient access to important medical specialists. Based on a 1975 California law, the Medical Injury Compensation Reform Act of 1975, that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perinatologists, and trauma surgeons. This bill will return sanity to a legal system that currently resembles a Las Vegas gaming device.

This past March, back in north Texas, a Dallas neurosurgeon opened his mail and found a 5-figure premium increase in his medical liability insurance. He said, enough is enough, and he left town. This placed the entire trauma network in the Dallas-Fort Worth area on the brink of crisis. Again, good doctors driven from their practice by increasing liability premiums brought on by the trial attorneys.

This crisis is driving young doctors from practicing medicine or, in fact, it is keeping young adults from even considering medicine as a career, creating a potential physician deficit well into the future.

Mr. Speaker, this Congress needs to reform this system now, or surely it will collapse under its own weight. I am saddened by the intransigence of some Members in this town to not even consider this issue with seriousness and foresight.

Mr. Speaker, how could they do that? I hope that this Congress will confront this crisis with the seriousness that it deserves. Patients need relief. The country is asking us to lead. Let us do the right thing and send a medical liability reform bill to the President this year. He has already promised us that he would sign it. We should do nothing less.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL HAS TERRIBLE EFFECTS FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to call attention to the big letdown that is the fiscal year 2004 Labor, Health and Human Services, and Education, and Related Agencies bill just passed by this House. I want to commend my colleague, the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), for his tireless efforts to reverse the terrible effects of this bill on the less fortunate in our country. I cannot believe that in the face of the many needs that remain, this body was unwilling, either in committee or as a body, to just cut a small amount from the highest tax cuts to fund them.

Mr. Speaker, as a physician I am very concerned, as we all should be, that our health care system in this country remains in serious peril, and the bill before us today does very little to reverse the downward spiral. Our flawed system is falling short on its promise and contributing to the disabling illness and premature death of the people it is supposed to serve.

The picture is worse for African Americans who, for almost every illness, are impacted most severely and disproportionately and, 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. This bill does nothing to reduce or address this whatsoever.

Today, we know that they happen 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.

The current, strongly held-to ''cost containment'' paradigm, while it sounds good on the surface, has obviously not worked. What it has done instead is to create a multi-tiered system of care, both within the managed care system and without. Those at the lowest rungs of the system get sicker; the sicker, therefore, are more costly, were and still are being dropped, and those who are the sickest are blocked out entirely. So not only are health care costs continuing to escalate; the overall health picture in this country is worse than ever.

Passing this bill means we will just continue on the path of fostering a separate and unequal health care system.

It provides the smallest percentage increase since 1998 for the administration's centerpiece, the community health centers, which serve 13 million people who lack access to health services in rural and urban areas.

The bill provides no increase at all for the Maternal and Child Health block grant or the National Health Service Corps, leaving many pregnant mothers and infants without services at a time when this administration and Congress have singled out the safety net of Medicaid for attack. It further harms our children by providing no increase for the childhood immunization program, which is already having trouble keeping up with the rising costs of vaccinating children.

This so-called appropriation bill completely ignores recommendations from the Institute of Medical Reports which we commissioned and paid for. Despite an important recommendation for more minority health care providers to overcome discrimination in the health system, which is critical to eliminating health care disparities, this bill cuts programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professional schools.

It further freezes funding for the Health Professions Training Program at the 2003 level. This program provides scholarship and student loan repayment assistance for doctors, or it would, and dentists, who agree to work in medically underserved areas. It is a key source of health professionals to staff community health centers and rural health clinics, making the small increase to community health centers another empty promise.

As a supposed sign of generosity, the bill provides a negligible 0.3 percent increase over the current year for the Ryan White program, which will mean that that program will fall further behind the rising costs and needs of the AIDS community. But in a cruel twist, the bill increases funding for AIDS drugs assistance programs, which provide access to drug therapies and needed treatments to sustain and improve the lives of those living with HIV and AIDS by $39 million, but it pays for that increase largely by cutting $33 million from other Ryan White programs; and it still keeps the program underfunded by about $100 million. States are reporting every day growing lines of waiting lists for people waiting for treatment.

We have problems with the administration's new initiative to focus on HIV-positive persons at the expense of primary prevention. But even then, few, if any, resources are being provided for the health services needed to help people with HIV remain as healthy as possible and slow the transmission of the virus because of the cutbacks in the Ryan White program.

The Members of the Congressional Black Caucus have made a sustained effort to ensure that our poor and minority communities across the country have access to AIDS services. What will happen with this bill is, tragically, that the funds will not be available to build a capacity of our community-based organizations to help patients reach lifesaving medicines once those patients have been identified.

Mr. Speaker, the fiscal year 2004 Labor-HHS bill would be considered a joke if the programs were not so critical to the lives of the American people. I wish that I could hope for it to be fixed during conference, but the President and the Republican leadership here have, through their tax cut and ill-advised war, and their commitment to provide for Iraq what they will not provide for people in this country, have made it next to impossible for us to provide the needed funds to make our own people whole.

I think that the leadership here is probably happy that they passed this bill, but it is a bad day for the people of the United States.

TRIBUTE TO ANTHONY CELEBREZZE, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I come to the floor with a heavy heart because Ohio has lost one of her favorite sons on the 4th of July. I have asked for this time to say a few words on behalf of the people of our great State on the life of Anthony J. Celebrezze, Jr., who died of a heart attack last Saturday at age 61.

Tony had just finished a heated race in his replica 1937 Chevy at a speedway in central Ohio. He loved competition, he loved turning a wrench, and he loved getting behind the wheel of his Legends car.

No one would have known that he came from one of the most distinguished political families in Ohio history.

Tony's father, Anthony J. Celebrezze, was mayor of Cleveland for 5 years and then served in President John F. Kennedy's cabinet as Secretary of what was then called Health, Education, and Welfare.

Tony was a graduate of John Marshall High School in Cleveland and went on to the U.S. Naval Academy class of 1963. He served 5 years in the Navy and earned the Naval Commendation Medal.

He received his law degree from Cleveland State University and launched his successful political career in 1974, winning election to the Ohio Senate.

In 1978, he was elected Secretary of State and served one term. In 1982 he won the election as Ohio's Attorney General and won reelection in 1986. Tony was a very popular Ohio figure. He ran unsuccessfully for Governor in 1990.

As Attorney General, Tony Celebrezze won accolades for his efforts to protect consumers and the environment. He made our State a better place.

As the Columbus Dispatch noted, what those of us who knew Tony remember most about him was his decency, his warmth, and his humanity.

''Celebrezze,'' the Dispatch said, ''may not have won every race he entered, but he was a winner in every way that counted: as a man and as a public servant.''

He will be missed by his fellow Ohioans, as we extend our condolences to the Celebrezze family, his widow, Louisa; his 5 children, Anthony, III, Catherine, Charles, David, and Maria; his sisters, Jean and Susan and their husbands.

Mr. Speaker, I will enter into the RECORD this warm tribute that was written by the Columbus Dispatcher by Michael Curtin, along with a longer news story that details the accomplishments of this decent, community-minded family man whose intellect and good heart raised the character of our beloved State.

As the articles state, as Ohio's chief law enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the State the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati. He also brought the first criminal prosecutions under Ohio's hazardous waste laws, expanded consumer protection, and helped bring the DARE program to Ohio.

Mr. Speaker, I know that my time has almost expired, but let me just end by saying the words of the Dispatcher editorial: ''At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence.''

□ 1945

He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred, Independence Day, is fitting considering how much of his life was devoted to service to his State and our Nation. Tonight we honor American patriot Anthony J. Celebrezze of Ohio.

[From the Columbus Dispatch, July 6, 2003]

ANTHONY J. CELEBREEZE JR.; OHIO'S FORMER ATTORNEY GENERAL DEAD OF HEART ATTACK AT 61

(By Mike Curtin and Joe Hallett)

Anthony J. Celebrezze Jr., a former Ohio attorney general, secretary of state and state senator, died Friday night of cardiac arrest. He was 61.

Celebrezze, a lifelong fan of auto racing and part of a Legends racing crew, was stricken after racing his replica 1937 Chevy sedan to a third-place finish at the Shady Bowl Speedway in DeGraff, in southwestern Logan County.

Legends cars are five-eighths scale, fiberglass replicas of 1930s and 1940s NASCAR cars. Celebrezze's car was No. 63, marking the year he graduated from the U.S. Naval Academy.

Those who knew him best say Celebrezze was happiest when he was around cars and racetracks. After leaving elective office at the end of 1990, he devoted himself more to the sport.

''He loved racing through and through. I don't think he would have wanted to go any other way,'' said his son, Anthony J. Celebrezze III. ''He enjoyed the daylights out of it.''

''When we were campaigning together and the subject of racing would come up, he could go on and on about the fine points of engines and transmissions and gear reductions,'' recalled Eugene Branstool, who ran for lieutenant governor in 1990 when Celebrezze was the Democratic nominee for governor.

After completing his eight-lap race in a preliminary heat Friday, Celebrezze complained of feeling ill, said Wayne Hill, a family spokesman.

''He said he was going to go rest in the truck for a little bit,'' Hill said. A short while later, his racing partners found him dead. Celebrezze had no known history of heart problems, Hill said.

Celebrezze was pronounced dead about 9 p.m. by emergency medical personnel at the track, said Dr. Joshua Richards, coroner of neighboring Champaign County.

''A lot of drivers are going to be upset to hear the news,'' said Tim Williams of Columbus, who competed both with and against Celebrezze on the track.

''Everybody liked Tony. Here was a guy who was attorney general and who ran for governor, and yet he would do any task. He would do the grunt work. He quickly became one of the guys because he could talk the language. He knew the technical aspects.''

Before losing the 1990 governor's race to Republican George V. Voinovich, Celebrezze had risen steadily to become one of Ohio's leading Democrats.

He began his political run in 1974 by winning election to the Ohio Senate, representing western Cuyahoga County. In 1978, he was elected secretary of state, ousting Republican Ted W. Brown, who had held the office for 28 years. In 1982, Celebrezze won his first of two terms as attorney general.

As Ohio's chief law-enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the state the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati.

Celebrezze also brought the first criminal prosecutions under Ohio's hazardous-waste laws, expanded consumer protection and helped bring the DARE program to Ohio.

He was born into politics—the oldest of three children and only son of five-term Cleveland Mayor Anthony J. Celebrezze Sr. After serving as mayor from 1953 to '62, Celebrezze Sr. was appointed secretary of health, education and welfare by President Kennedy. From 1965 to '96, Celebrezze Sr. was a judge of the U.S. 6th Circuit Court of Appeals.

Paul Corey, a former teacher at Newton D. Baker Junior High School in Cleveland, remembers the young Celebrezze ''being badgered all the time if the garbage wasn't being picked up'' while his father was mayor.

''Tony was a beautiful human being,'' said Corey, who now lives in Columbus. ''What you see was what you got. He was a good, very quiet, well-mannered young man.''

Celebrezze graduated from John Marshall High School and entered the U.S. Naval Academy, graduating in 1963. He served five years of active duty and earned the Naval Commendation Medal. For many years thereafter, he served as a captain in the U.S. Naval Reserve.

Celebrezze earned a master's degree in 1966 from George Washington University and a law degree in 1973 from Cleveland State University.

In June 1965, he married Louisa Staton Godwin of Williamson, N.C. They met while both worked at the U.S. Department of Defense. They are the parents of five children: Anthony J. Celebrezze III of Columbus; Catherine Celebrezze of New York City; Charles Celebrezze of Plantation, Fla.; David Celebrezze of Leesburg, Va., and Maria Celebrezze of Columbus.

Mrs. Celebrezze, a licensed social worker, is known for her knowledge and appreciation of classical music. ''We have an agreement,'' her husband said in 1999. ''I don't go to her operas, and she doesn't go to the races.''

''Actually, he did go to some of those (operas and concerts),'' Celebrezze's oldest son said. ''And she (his mother) went to a number of his races, although the only thing she knew was that they were going around in a circle.''

Throughout his political career, Celebrezze had no closer associate and friend than his chief of staff, William H. Chavanne. They met in 1974, when Chavanne worked on Celebrezze's state Senate campaign.

''I think he'll be remembered as somebody who was always concerned about doing a good job. He was hardworking and smart. He tried to never leave a job undone.''

Voinovich, said Celebrezze's industriousness impressed Republicans and Democrats: ''The thing that impressed me was that he was so conscientious with the work he did in state government.''

Voinovich, said he also noticed that Celebrezze, after leaving government, continued to work for community and civic causes.

Since 1991, Celebrezze has practiced law. For the past two years, he practiced with the Columbus firm of Kegler Brown Hill & Ritter. He founded the firm's national regulatory and government-affairs area and was active in administrative law.

Celebrezze ''was a true mentor. He took a lot of younger people under his wing.'' said law partner Kevin Kerns. ''He also was a friend, a tremendously loyal individual.''

James M. Ruvolo, Ohio Democratic chairman from 1983 to '91, said much of Celebrezze's political success stemmed from being genuine.

''Tony was a decent guy, and that came across,'' Ruvolo said. ''In politics, you run into people you respect, but you don't often run into people you respect and like. People respected and liked Tony.''

Besides his wife and children, Celebrezze is survived by his sisters, Jean Porto of Chevy Chase, MD., and Susan Sullivan of Boston.

Calling hours in Columbus will be 4–8 p.m. Monday at O'Shaughnessy Funeral Home, 405 E. Town St. Calling hours in the Cleveland area will be 4–8 p.m. Tuesday at Corrigan's Funeral Home, 20820 Lorain Rd., Fairview Park.

A funeral Mass will be held at 11 a.m. Wednesday in St. John Cathedral in downtown Cleveland. Burial will be in Holy Cross Cemetery.

[From the Columbus Dispatch, July 6, 2003]

OBITUARIES

Anthony J. Celebrezze, Jr., age 61, died Friday July 4, 2003. Preceded in death by his parents Anthony J. and Anne Celebrezze. Survived by his wife of 38 years, Louisa (Godwin) Celebrezze; children and their spouses, Anthony and Stephanie Celebrezze III, Catherine Celebrezze, PhD and Blake Baxter, Charles Celebrezze, David Celebrezze and Maria and Jim McBride; sister and brothers-in-law, Jean and Ben Porto of Washington, DC and Susan and David Sullivan of Boston, MA; nieces and nephews. He was an attorney with Kegler, Brown Hill & Ritter. Graduate of John Marshall High School, the U.S. Naval Academy and Cleveland State University Law School. Served in the Ohio Senate,

as Ohio Secretary of State and as Ohio Attorney General. The family will receive friends at the O'Shaughnessy Funeral Home, 405 E. Town St. Monday 4–8 p.m., where prayers will be offered at 8:00 p.m. Further visiting hours at the Corrigan Funeral Home, 20820 Lorain Road, Fairview Park, OH Tuesday 4–8 p.m. Mass of Christian Burial St. John Cathedral, Cleveland, OH, Wednesday at 11:00 a.m. Interment at a later date in Holy Cross Cemetery, Cleveland. The family would welcome contributions to the US Naval Academy Class of 1963 Foundation, P.O. Box 64740, Baltimore, MD 21264–4740 or the Celebrezze Endowment Fund, Development Office, Ohio Northern University, 525 S. Main St., Ada, OH 45810–9989.

[From the Columbus Dispatch, July 8, 2003]

ANTHONY J. CELEBREZZE JR.; FORMER OHIO ATTORNEY GENERAL SERVED HIS STATE AND NATION WITH HONOR AND DECENCY

Some sense of Anthony J. Celebrezze Jr.'s, impact on Ohio can be found in the electronic archive of The Dispatch, where a search for his name produces more than 1,800 citations.

As a state senator, Ohio secretary of state and Ohio attorney general, Celebrezze played an influential part in Ohio's history between 1974 and 1990.

But only a few of those many news stories dealt with what people remember most about Celebrezze, who died of cardiac arrest on Friday at age 61: his decency, warmth and humility.

At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence. He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred—Independence Day—is fitting, considering how much of his life was devoted to service to his state and the nation.

After high school, he entered the U.S. Naval Academy, where he graduated in 1963. He spent five years in active duty and many more as a captain in the Naval Reserve.

Choosing a political career like his father, former Cleveland Mayor Anthony J. Celebrezze Sr., the younger Celebrezze entered public service with his election to the state Senate in 1974 and continued with one term as Ohio secretary of state and two as attorney general. In the latter office, he expanded state regulations of the environment, cracked down on polluters and enhanced consumer protections.

He was one of the state's leading Democrats when he lost a hard-fought campaign against George V. Voinovich in the 1990 governor's contest.

Since then, Celebrezze had devoted himself to his law practice and to his beloved hobby, racing Legends cars. He had just placed third in a race at Shady Bowl Speedway near DeGraff when his fatal heart attack occurred.

Celebrezze may not have won every race he entered. but he was a winner in every way that counted, as a man and as a public servant.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

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

INADEQUATE FUNDING FOR VITAL PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 30 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I would probably not go beyond the 30 minutes, and I will yield to my friend, the gentleman from Illinois (Mr. EMANUEL), so he will be able to pick it up right after that.

Let me take this opportunity tonight to, first of all, talk about the issue of Labor-HHS, Education appropriations bills that includes, as far as I am concerned, a very inadequate funding level for education, for health care, for job training, and other vital programs.

This administration and this President went around the country, Mr. Speaker, and talked about education being his first priority. Well, we have gotten a great deal of lip service, but we have not received the resources to fund the education bill that he himself authored, an education bill that is more than $8 billion behind in the lack of funding. And I would be ashamed to go back to the taxpayers and to our constituencies throughout this country and talk about the fact that he passed a tax bill, a very irresponsible tax bill, and at the same time has not been responsive about meeting the needs in education and health care.

H.R. 2660 fails to meet the education and health care needs of our Nation's working families. Although the No Child Left Behind Act was recently enacted and aimed at promising fulfilling the funding of the education bill, there would be a shortchange, as indicated, for 2004 of $8 billion. In fact, this legislation would provide inadequate resources for vital Federal education programs such as Title I and such as special education.

In Texas, Mr. Speaker, since I know the gentleman is from Texas, we need some additional resources in special ed since in that particular area we basically allow the local communities to take the burden since the Federal Government has mandated a lot of the needs in those specific areas, but it has failed to provide the resources.

In Pell grants in this particular bill, when our kids have tuition rates that have gone high and continue to increase, we are deciding that we do not want to fund the Pell grants at the same levels. These are the grants and resources that our students throughout the country need in order to continue their education. Moreover, this legislation would provide little or no funding increases for health programs that assist some of the most vulnerable members of our society including the Maternal and Child Health Block Grant program and most also the Ryan White AIDS Care program. The Ryan White AIDS program is one that provides assistance for the area of AIDS. And in Texas, Mr. Speaker, we have a disproportionate numbers of Latinos and Africans who are now being hit with AIDS where we still need the resources. In fact, within the Latino community there are a lack of priority programs and especially community-based programs that are needed in order to reach out to the special population.

H.R. 2660 would also fail to increase job training opportunities for our Nation's workers, especially at a time when we ought to be investing in ourselves, investing in our workers to make sure that they have the skills in order to compete in this global economy. We are choosing not to do that.

Despite our Nation's ongoing economic recession and higher unemployment rates, we have the largest unemployment rate among Hispanics of 8.2 in 9 years, and it has not taken this administration much to get it at that level in the last 2½ years.

This legislation provides no funding for increases for adults' and dislocated workers' training programs that would help the unemployed and the underemployed workers throughout this country to develop the skills that are needed to compete in this global economy. It would provide no funding to increase the Occupational and Safety and Health Administration to help protect workers that are injured and die on the jobs, despite the steep increases that we have seen in fatalities of those that are working out there, and especially among Latinos. It would also eliminate funding for the Department of Labor, international initiatives that help foreign countries fight child labor, education for HIV/AIDS and develop core labor standards.

I have heard arguments that people still argue that we are still supportive of fighting child labor, but we are unwilling to provide the resources, we are unwilling to help internationally for those countries that abuse our children and use them as child labor. This administration has failed to respond in the issues of education, in the issues of health care, in the issues of the economy and in the issues of immigration.

And as I recall, this President went around the country and talked about Latin America, and he talked about the fact that he was going to be there and that his first priority internationally was also Latin America. Well, you talk to anyone in Latin America, they have not seen him since he got elected, and they have not heard anything about him. And so it was good to see today, and I was elated and I feel hopeful today, when we met with the Democratic Senate and the Senators, that we have a joint effort in working with

them. We know now and we have decided to come together and to come together to talk about the importance of not only the Latino community, but the entire community when it comes to economic empowerment, of looking at the fact that we have to begin to work on the unemployment rate, unemployment that is continuing to grow under this administration.

We have to make sure that small businesses have access to capital that is drastically needed. That is something that is critical. Small business is what makes America. Small business is where 80 percent of Americans are working, and we are beginning to look at that, and we look forward to working on turning the economy around.

We are also looking at specifically some proposals that deal with educational opportunities. This administration, this President, has zeroed in on Head Start, a program that has been a great program, a program that has worked. And he has chosen first, he proposed to change it from the Department of Health to the Department of Education. And we said, Why, why? Here is a program that all the research says that it is working. Why mess with it? The only thing that I can come to a conclusion is that he is choosing to try to destroy it.

Secondly, now he chose to put it into the form of a block grant. Well, the reason we have Head Start is because States like Texas that I come from and that the Speaker tonight comes from have failed to fund even full-day kindergarten. In the State of Texas we only fund half a day. We hold the local communities accountable for the other half a day. Now we expect them to provide Head Start to a State that has been unwilling to even provide full-day kindergarten? I do not think so.

This administration has asked and recommended that we begin to put this as a form of a State grant. And those States like Texas are salivating at the possibility of getting their hands on those monies that are out there not for addressing the needs of our constituents in terms of those youngsters that need those resources, but for other priorities that they might personally have. So Head Start has been a program that has been there.

I will remind all Texans and all Americans that this President said he favored education, that he was going to concentrate on education. Well, to this day we have not seen that. We have seen No Child Left Behind at the expense of all the kids that he has left behind. And so he chose not to fund it appropriately, and that is not appropriate. He has chosen not to look at higher education and the importance of those Pell grants and the importance of allowing those opportunities of those youngsters to be able to reach that American dream of being able to get to college and be able to afford a college education. We have to make sure that we do that.

When it comes to health care, this administration has also talked about responding to the needs of those senior citizens in health care, and he has failed to meet this. We have worked on a bill that looks at the disparities that confront Latino Americans as well as others, as it deals with diabetes, that we have to address.

We have to also look at the uninsured. Texas has the largest number of uninsured, and at one time we used to say, thank God for Mississippi and Illinois. Well, now the Texas House is controlled by Republicans on both sides, and I am sure that the people from Mississippi and Illinois are going to say, thank God for Texas, because we are probably going to be on the bottom of the totem pole. When it comes to uninsured, the largest number of uninsured comes from Texas. These are hard-working Texans. If you work in rural Texas, you work for a small company. If you do not work for the government, you do not have access to insurance. They do not have access to HMOs. HMOs have left rural Texas and abandoned us. This administration continues to push forward on these agendas that do not meet the needs of our constituencies, that do not meet the problems that confront us.

In addition to that, this administration promised that they would start working on immigration. We have not heard anything since. We need to make sure in the issue of immigration that those individuals that are out there working and that are paying their taxes, we ought to reach out to them and begin the process of legalization.

And so as we look forward, I want to thank my colleagues, and I want to yield because I did promise that a little bit before 8:00 that I would have an opportunity to yield and leave and let my fellow colleague continue for the next 30 minutes or so because I know he has a flight.

But I did want to come tonight and say how disappointed that I was with the passage of this piece of legislation that is a step backward and does not address the needs of our constituency; and, secondly, how elated I am that the Texas Senate Democrats who are out there working with us and making things happen.

Mr. Speaker, I yield to you with the understanding that I think that you will be yielding to my colleague.

LOWERING PRESCRIPTION DRUG PRICES FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. EMANUEL) is recognized for 45 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, before I begin, I want to thank my colleague from Texas not only for his generosity of providing this time, but for the passion that he brings to education and to working families of all ilks, and the eloquence he brought to the words about the importance of education as the stepladder to the American dream.

So I want to thank him now for the generosity he provided so I can be with my family this evening and catch the last flight, and for his passion and tireless work on behalf of all Americans. Texas is lucky to have you as a Representative and a voice; not only a vote, but a voice for their values.

Mr. Speaker, about 2 weeks ago a number of us came to the floor to speak on market access, and that is the ability of Americans to purchase medications anywhere in Canada, Ireland, England, France, Germany, Italy, wherever they get the cheapest price.

□ 2000

Since the last time that my good friend from Minnesota and I were here, there was a report yesterday by Families USA that ABC news covered and the Wall Street Journal covered, and I would like to bring that statistic to the attention of the American people. It reaffirmed a disturbing trend about skyrocketing prescription drug prices in the United States.

On average, the prices of the 50 drugs most commonly prescribed to seniors increased at a three-and-a-half times rate of inflation. The total spending of senior citizens on prescription drugs rose an estimated 44 percent from 2000 to 2003, when inflation was only running at collectively over those periods of time of 6 percent. Now we are projected to spend over the next 10 years $1.8 trillion by our seniors on their medications, and yet when we think about those dollars, the American elderly spend somewhere between 30 to 300 percent higher in prices than the senior citizens of France, England, Germany, Canada, Denmark, any of the G–8 countries and our colleagues in Europe.

My good friend from Minnesota has brought a bill into play that allows our American consumer, our American elderly, our businesses and, most importantly, our taxpayers to get the use of market forces to reduce those prices, bring real competition and the close market that our pharmaceutical companies have brought and bring competition that would save billions of dollars to the consumer and, most importantly, to the taxpayer.

To me, if we are going to have the largest expansion of an entitlement in 40 years, spend $400 billion, you would think you would want to get the taxpayer the best price, but the pharmaceutical companies have done a pretty good job of playing the political system to their benefit, and they have tried to prevent us from getting this bill to the floor, because if we got the bill to the floor, they would know what happens.

In my view, this is not only good for the seniors, they would get good prices, but it would be fair to the taxpayers who are going to be asked to pay this bill.

So my friend from Minnesota has a wonderful bill. I think he has been here many times to explain his chart about

comparative prices. I would like to yield now some time to him to talk, and then I would like to ask some questions, if he does not mind.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Illinois, and I want to make a special point. This is time on the Democrats today. We have Democrats and Republicans that are agreed on this because, as I said in the past, this is not a matter of right versus left. It is a matter of right versus wrong, and it is simply wrong to require that Americans pay the world's highest prices for prescription drugs, even though we are the world's best customers.

In virtually every other area that you can imagine, the best customers get the best prices, but that is not true in prescription drugs, and I began to research this story about 5 years ago, and the more I learned, the more upsetting and compelling this story really is.

The story is that Americans are really held captive, and anytime you have a captive market, it is absolutely predictable that you are going to see the world's highest prices.

I want to give you a few examples from this chart. I apologize, this chart is kind of hard to read, but I will show you some of the examples, and I will give you the total, because I was in Germany 2 months ago, and we bought 10 of the most commonly prescribed prescription drugs. What you see here on the chart is the prices that we paid in Munich, Germany, and what those prices would be for the same drugs, same quantities, same milligrams, here in the United States. Let me give you a few of those examples.

This is a drug called Coumadin. It is a blood thinner, actually developed at the University of Wisconsin veterinarian schools, and actually originally developed as a rat poison, but in the United States, this box of drugs would sell for $89.95. In Germany we bought the drug for $21.

Here is another drug, Glucophage, made by Merck. It is a very effective drug for diabetes. A 30-tablet, 850-milligram package in the United States, $29.95. You can buy that same package, this package of drugs we bought in Munich, Germany, for $5.

The story goes on. Zocor, commonly prescribed drug, a very effective drug, the United States price, $89.95. You can buy that drug in Germany for $41.20.

The grand total of these 10 drugs in Germany was $373.30 American, but if we went down to buy them here in Washington, D.C., or almost any city in America, the price would be $1,039.65.

Mr. EMANUEL. Those are the same drugs? I did not mean to interrupt my colleague. Same medication, nothing different?

Mr. GUTKNECHT. In fact, in many of the cases, I believe these drugs were made in the same plants, and they are shipped around the world.

All we really are saying in our bill is let us do with prescription drugs essentially what we do with every other product, and that is allow market forces to work to make certain that Americans are not held captive, and as I have said, I think Americans should pay their fair share, but I do not think we should be required to subsidize the starving Swiss.

We also have a colleague with us tonight, my good friend from North Carolina (Mr. JONES) who has joined us tonight, and he has been a strong proponent of opening markets and finding ways to get cheaper prescription drugs not just for senior citizens, but for all Americans. Ultimately we are going to have a prescription drug benefit for the taxpayers as well, and I would yield, if I could, a few minutes to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from North Carolina.

(Mr. JONES of North Carolina asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. JONES of North Carolina. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. EMANUEL) for being on the floor tonight and allowing me to be part of this because I think, as both have said, this is not a political partisan issue, because we have on my colleague's bill numerous Republicans and Democrats who have joined to open markets up to the citizens, not just senior citizens, but they are the first in our mind, but citizens that can buy drugs at a much cheaper price and still have the same quality.

I must tell my colleagues, I represent the 3rd Congressional District of North Carolina. It is a great district for me to represent, and every time I do a town meeting, I am not kidding you, for the last 3 years they have said to me, Congressman, what are y'all going to do in Washington to help bring the costs down? I am talking about senior citizens who are 65 and 70 and 80, and many of these people truthfully are living on a very small amount of money, Social Security and what they might receive from Medicare.

It bothers me to know that we who are sent here by the people, and they trust us to do what is right, and many times politics gets such that we have people that participate in the process, which is good that we do, not just voting, but also contributing to candidates and to parties, and I am afraid that this issue really has gotten bottled up into an area that concerns me greatly.

If I might take just a moment, and then I will yield back to the gentleman from Illinois. We have a dear friend that came with us in 1994. That was the year that the Republicans took over the House. His name is Tom Coburn. He is an M.D., and Tom retired 3 or 4 years ago, and quite frankly, we miss him if he should be watching tonight. We miss him in many ways.

But as my colleagues well know, both you gentlemen know that certain prolife groups have gotten involved in this issue who are opposed to your legislation, and I hate to say it, but I am afraid there might be some outside group helping them fight your legislation. I will let you and the gentleman from Illinois maybe pick up on that in a minute, but let me read, and I will submit this entire letter for the RECORD, but I want to read two paragraphs very quickly.

This is to the gentleman from Minnesota (Mr. GUTKNECHT). It says: ''Dear Gil: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the 'Pharmaceutical Market Access Act of 2003,' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.''

Second paragraph and last one, ''As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486.''

Tom Coburn again, ''As a prolife practicing physician who earned a 100 percent prolife voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.''

I will insert the entire letter at this point.

JULY 10, 2003.

Hon. GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR GIL: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the ''Pharmaceutical Market Access Act of 2003'' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.

As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486. As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.

I can state unequivocally that your legislation in no way, shape, or form promotes abortion. (Many pro-life members are original cosponsors of your legislation and, quite obviously, do not believe your bill violates their deeply held convictions about the sanctity of life.) Those who argue that your legislation makes abortion drugs more accessible by lowering overall drug prices necessitate the conclusion that in order to be pro-life one must be in favor of increasing all drug costs. I suppose the argument would be the higher the drug costs the more fervent your pro-life beliefs.

In Washington, it was always sad to see organizations drift from their core principles

and take positions that defied common sense and logic. Any organization that links your legislation with the abortion debate will, in the long-term, undermine their credibility and relevancy in Washington. While the pharmaceutical industry has produced many wonderful life-saving drugs, it would be unwise for anyone to believe that the industry that developed and fought for FDA approval of RU–486 is now motivated by a passion for the pro-life cause.

The fact that opponents of your legislation have resorted to these attacks is shameful, yet the obtuseness of their logic ultimately serves to highlight the soundness of your argument.

Sincerely yours,

TOM A. COBURN, M.D.,
Former Member of Congress.

I want to share that with you and Mr. EMANUEL just to say that this is a very critical, vital issue to the senior citizens and also the people of this country who must have drugs to have a quality of life.

Mr. EMANUEL. Mr. Speaker, reclaiming my time, you should take a little solace in the fact that they have decided to go to scare tactics because they know this is not about price controls. This is about letting the market determine the price that we can pay, and they are scared of the free market. This is a large company that has a captive market and is scared of the forces of the free market to determine the best price. So they have decided to through a few Members try to play the worst and ugliest of politics because on the merits they cannot win it, and I compliment you for having the courage to stand by your principles.

I would like to make a note to something earlier that our good friend the gentleman from Minnesota (Mr. GUTKNECHT) said which deals with the fact that we are Democrats and Republicans here. We give different views on different subjects, but the fact is what has brought us here is our common principles and our common values, and this is a bipartisan issue because we jointly think that our seniors should not be paying the highest price, and our taxpayers should not be asked to pay the highest price when you can get lower prices.

As our colleague from Minnesota showed with that chart, although people cannot see the specific numbers, they get the basic gist that there is a 700-buck spread for the same drugs you buy in Germany versus what we buy here.

You do not have to have a party difference to understand it is fundamentally wrong. It is not right, and we cannot ask the taxpayers as we embark maybe on the largest expansion of an entitlement program in 40 years to foot a bill that would be, in my view, the greatest, largest fleecing of America in front of the naked eye.

So the pharmaceutical companies have decided to engage in this scare tactic because on the merits and on the ground they cannot win this.

I would like to ask one question because they are engaged in one other subject up here. If the gentleman from Minnesota (Mr. GUTKNECHT) could walk the folks through that are watching the notion of safety, just to walk them through this, because that is another scare tactic. This is the first of many salvos. We are not done with their attacks, if you do not mind me interrupting, but I would like you to walk the public through the issue of safety.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman from Illinois, and I thank my colleague from North Carolina as well.

One of the arguments that they are making is this is not safe, you cannot be reimporting or importing or opening markets to these drugs. And once again, let me say, first of all, we are only talking about FDA-approved drugs from FDA-approved facilities, number one.

Number two, what more and more of the companies are coming out with, and we require in our legislation, and that is, they begin to develop counterfeit-proof packaging, tamper-proof, counterfeit-proof packaging.

The other thing people need to understand is we are not saying people have to do this. This is their option. We want to make certain that they are not treated like common criminals, because right now seniors are doing this. There was a study done by a University of Texas professor. A million Americans right now are crossing the border to buy their prescription drugs, and they have no assurance, no tamper-proof packaging, and worse than that, they are treated like common criminals by their own government.

So we want to make it safer. We actually want to put in a regimen, a plan, so that people can do this and their pharmacists can do this, because my vision is people ought to be able to go to the local pharmacist, and he ought to be able to shop for the best price on the best drugs. It is called parallel trading. That is what they do in Europe, and it is why they get cheaper prices than we do here in the United States.

We are concerned about safety, too. I do not want people dying from taking contaminated drugs, but remember this: Every day we import thousands of tons of food. Last year we imported 318,000 tons of plantains, and so if someone wants to tamper with things that go into people's mouths, they are more likely to do it with food products than they are with something that comes in a tamper-proof, counterfeit-proof package.

Mr. EMANUEL. Mr. Speaker, I appreciate that. So what you are saying is that unless it is FDA-approved, it cannot come in, and it is FDA-approved, meaning the Food and Drug Administration, which is the overseer, the czar of what is safe, approves it, then it can be purchased through the Internet or overseas and brought into the United States, because, as you said earlier, it is manufactured at the same facilities. So there is really no pricing differences except they get price differences there than here. So they are FDA-approved.

Mr. GUTKNECHT. We are only talking about FDA drugs, and more importantly than that, you are correct. There are only, as I am told, about 600 facilities in the world that can produce FDA-approved drugs, and so that is the only drugs that we would permit, and we believe that a program can be established very easily using modern technology so that we can be as certain that these drugs are, in fact, Coumadin or Glucophage from an FDA-approved facility.

□ 2015

We can be just as assured of that even if we get the drugs from Geneva, Switzerland, or from right down the street. We want safe drugs. We want seniors to be safe. And I think we have the plan that will do that.

Mr. EMANUEL. Mr. Speaker, both of my colleagues we were talking a little earlier; and perhaps you could address the question, what do you think, given they have projected, I think it is $1.8 trillion over the next 10 years that seniors will be spending on medications, but if we had access to this bill and it was in place, what would be the savings to both the elderly as well as to the taxpayer, projected?

Mr. GUTKNECHT. Mr. Speaker, the gentleman is correct. The Congressional Budget Office, which are our official bean counters, if you will, have estimated that seniors in the United States over the next 10 years will spend $1.8 trillion on prescription drugs. We can see by this chart, and I think we were very conservative, we estimate that if we simply open markets, as we do with plantains and with prunes and with pork bellies, if we just open up the markets as we do with everything else, we will see prices in the United States drop by at least 35 percent. Well, 35 percent of $1.8 trillion is $630 billion that we will save American consumers and/or taxpayers.

If I can give just one more example. We had an Inspector General who testified before the Committee on the Budget just yesterday, her name was Dara Corrigan, and she estimated, and these are her numbers not mine, but her numbers were that last year Medicare through the hospitals bought $8.2 billion worth of prescription drugs. If they could have bought those drugs at the same price that the VA buys those drugs, her estimate was that taxpayers would have saved $1.9 billion last year.

Now, my assertion is that if we open up the markets, we are going to save the VA, we are going to save Medicare, we are going to save Medicaid, we are going to save consumers, we are going to save corporations.

Last year, General Motors spent $1.3 billion on prescription drugs. Imagine how much they could save if they had access to world market prices.

Mr. EMANUEL. The truth is, Mr. Speaker, that we had an original bill that was going to use market forces to

bring competition between generic medications versus name-brand medications. That was projected to save the taxpayers and the consumers and the elderly $65 billion over 10 years. This concept, following that same principle of competition as the price reducer, let the market determine best price, would bring, I think the gentleman just said, a little over a half trillion dollars to the consumers, the elderly, over the next 10 years. It is using market forces.

Bringing that competition to bear on the market, that would bring prices down, and no longer would the American elderly and the American taxpayer be seen as the profit guinea pig for our pharmaceutical companies. They are making up the difference where they cannot get it in Germany or in England. They are making it up, the price difference, their profit margins, on our elderly. Therefore, our taxpayers are being asked to foot the bill in one of the largest fleecings of the American people we will ever see.

The principles of competition will bring prices down, I think. Pharmaceutical companies have gamed the system from the patent laws, the laws as it relates to competition and globalization, and through the tax laws. As my colleagues know, we had a provision which was to allow the NIH to recoup 10 percent on any drug that was developed and brought to market through NIH dollars. My view is anything below 30 percent in the private market is considered dumb money. The taxpayers, all the cancer drugs, all the AIDS drugs on the market were developed with taxpayer-based research. We should be recouping a minimum of 10 percent to the taxpayers. The NIH would be a self-funded agency in 10 years.

But the core of what we have, the biggest dollar saver is the gentleman's amendment that we are honored to be cosponsors of. Again, this is not price control; it is choice. If you bring choice to bear in the market, consumers will flock to the lowest price, and I think that is the basic principle why you have Democrats and Republicans ready to vote for this, if we could get it to the floor.

Mr. GUTKNECHT. I would just simply say that I hope we can have a vote. This is the people's House. Vox popolurum est vox dei, the voice of the people is the voice of God. There is where the people's business should be done. Occasionally we have partisan differences and we vote differently, but this is one that crosses party lines. It is not a matter of right versus left; it is right versus wrong. It is wrong for Americans to be held captive.

Mr. JONES of North Carolina. Mr. Speaker, if my colleagues will yield, I would say that the comments of both these gentlemen are correct. Free markets are more powerful than armies, and I think my colleague's quote from former President Ronald Reagan, and everything else that has been said tonight by my friend, is so true. The whole thing is that this is a critical issue to so many people throughout this country and we need to do what is right. The right thing to do is to look at the gentleman's bill, put this bill on the floor, let it be debated, let it pass or fail, but do not bottle this bill up. Too many people throughout this country need this relief.

And so, Mr. Speaker, I want to thank my colleagues, and I yield back to the gentleman from Illinois.

Mr. EMANUEL. Well, Mr. Speaker, before I try to catch that last flight, when I was running for office and I was in Six Corners Jewel, which is our big grocery store with the Osco, on Irving and Organza, seniors would come out and show me what they were paying and they told me the stories about how they cut their medications in half, or a husband would skip a month so his spouse could take her medications. And the first thing they said is, you have to make this affordable. I have to be able to pay for this. They would talk about that, and ask me to make sure that whatever we did, we did not mess with their private plans. But then they would say, please, add a prescription drug benefit to Medicare.

In my view, if we are on the doorstep of adding that benefit, let us ensure, because it is the first thing they have all said to every one of us who has gone to meet with them, we have to make these drugs affordable. They cannot afford these prices. They would tell me, look, somehow last month my month's supply was $70 and this month it is $96, and nothing has changed. Nothing. If we brought competition, something would change.

Mr. GUTKNECHT. Absolutely. I know the gentleman wants to catch his plane, but I just want to say this. Regardless of what happens in the next week or two, we are not going to go away. This issue will not go away. We will stay here, on a bipartisan basis, every night for the next 6 months, 9 months, 3 years. We are not going away. The issue is not going to go away.

There is no way that our leadership, the administration, the FDA, the drug companies can defend a situation where Americans pay two and a half times more for the same drugs than our counterparts in Germany. I am not going to give up, my colleagues here tonight are not going to give up, and God bless you all.

LIMITED GOVERNMENT

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the modern-day limited government movement has been co-opted. The conservatives have failed in their effort to shrink the size of government. There has not been, nor will there soon be, a conservative revolution in Washington. Party control of the Federal Government has changed, but the inexorable growth in the size and scope of government has continued unabated. The liberal arguments for limited government in personal affairs and foreign military adventurism were never seriously considered as part of this revolution.

Since the change of the political party in charge has not made a difference, who is really in charge? If the particular party in power makes little difference, whose policy is it that permits expanded government programs, increased spending, huge deficits, nation-building, and the pervasive invasion of our privacy with fewer fourth amendment protections than ever before?

Someone is responsible, and it is important for those of us who love liberty and resent Big Brother government to identify the philosophic supporters who have the most to say about the direction our country is going. If they are wrong, and I believe they are, we need to show it, alert the American people, and offer a more positive approach to government.

However, this depends on whether the American people desire to live in a free society and reject the dangerous notion that we need a strong central government to take care of us from cradle to grave. Do the American people really believe it is the government's responsibility to make us morally better and economically equal? Do we have a responsibility to police the world while imposing our vision of good government on everyone else in the world with some form of utopian nation-building?

If not, and the contemporary enemies of liberty are exposed and rejected, then it behooves us to present an alternative philosophy that is morally superior and economically sound and provides a guide to world affairs, to enhance peace and commerce. One thing is certain, conservatives who worked and voted for less government in the Reagan years and welcomed the takeover of the U.S. Congress and the Presidency in the 1990s and early 2000s were deceived. Soon they will realize that the goal of limited government has been dashed and that their views no longer matter.

The so-called conservative revolution of the past 2 decades has given us massive growth in government size, spending and regulations. Deficits are exploding and the national debt is now rising at greater than a half trillion dollars per year. Taxes do not go down, even if we vote to lower them. They cannot, as long as spending is increased, since all spending must be paid for one way or another.

Both Presidents Reagan and the elder George Bush raised taxes directly. With this administration so far, direct taxes have been reduced, and they certainly should have been. But it means little if spending increases and deficits rise. When taxes are not raised to accommodate higher spending, the bills

must be paid for by either borrowing or printing new money. This is one reason why we conveniently have a generous Federal Reserve chairman who is willing to accommodate the Congress with borrowing and inflating the taxes delayed and distributed in a way that makes it difficult for those paying the tax to identify it.

Like future generations and those on fixed incomes who suffer from rising prices, and those who lose jobs, they certainly feel the consequence of economic dislocation this process causes. Government spending is always a tax burden on the American people and is never equally or fairly distributed. The poor and low middle-income workers always suffer the most from the deceitful tax of inflation and borrowing. Many present-day conservatives who generally argue for less government and supported the Reagan-Gingrich-Bush takeover of the Federal Government are now justifiably disillusioned. Although not a monolithic group, they wanted to shrink the size of government.

Early in our history, the advocates of limited constitutional government recognized two important principles: the rule of law was crucial, and a constitutional government must derive just powers from the consent of the governed. It was understood that an explicit transfer of power to government could only occur with power rightfully and naturally endowed to each individual as a God-given right. Therefore, the powers that could be transferred would be limited to the purpose of protecting liberty.

Unfortunately, in the last 100 years, the defense of liberty has been fragmented and shared by various groups with some protecting civil liberties, others economic freedom, and a small diverse group arguing for a foreign policy of nonintervention. The philosophy of freedom has had a tough go of it, and it was hoped that the renewed interest in limited government of the past 2 decades would revive an interest in reconstituting the freedom philosophy into something more consistent.

Those who worked for the goal of limited government power believed the rhetoric of politicians who promised smaller government. Sometimes it was just plain sloppy thinking on their part, but at other times they fell victim to a deliberate distortion of a concise limited government philosophy by politicians who misled many into believing that we would see a rollback on government intrusiveness.

Yes, there was always a remnant who longed for truly limited government and maintained a belief in the rule of law combined with a deep conviction that free people and a government bound by a constitution were the most advantageous form of government.

□ 2030

They recognized it as the only practical way for prosperity to be spread to the maximum number of people while promoting peace and security.

That remnant, imperfect as it may have been, was heard from in the elections of 1980, 1994, and then achieved major victories in 2000 and 2002 when professed limited government proponents took over the administration, Senate and the House. However the true believers of limited government are now shunned and laughed at. At the very least, they are ignored except when they are used by the new leaders of the right, the new conservatives now in charge of the U.S. Government.

The remnant's instincts were correct, and the politicians placated them with talk of free markets, limited government, and a humble non-nation-building foreign policy. However, little concern for civil liberties was expressed in this recent quest for less government. Yet for an ultimate victory of achieving freedom, this must change. Interest in personal privacy and choices has generally remained outside the concern of many conservatives, especially with the great harm done by their long-time support of the drug war.

Even though some confusion has emerged over our foreign policy since the breakdown of the Soviet Union, it has been a net benefit in getting some conservatives back on track with a less militaristic interventionist foreign policy. Unfortunately, though, after 9/11 the cause of liberty suffered a setback. As a result, millions of Americans voted for the less than perfect conservative revolution because they believed in the promises of the politicians. Now there is mounting evidence to indicate exactly what happened to the revolution. Government is bigger than ever, and future commitments are overwhelming. Millions will soon become disenchanted with the new status quo delivered to the American people by the advocates of limited government and will find it to be just more of the old status quo.

Victories for limited government have turned out to be hollow indeed. Since the national debt is increasing at a rate greater than a half trillion per year, the debt limit was recently increased by an astounding $984 billion. Total U.S. Government obligations are $43 billion, while total net worth of all U.S. households is just over $44 trillion. The country is broke, but no one in Washington seems to notice or care. The philosophic and political commitment for both guns and butter, and especially the expanding American empire, must be challenged. This is crucial for our survival.

In spite of the floundering economy, the Congress and the administration continues to take on new commitments in foreign aid, education, farming, medicine, multiple efforts at nation-building and preemptive wars around the world. Already we are entrenched in Iraq and Afghanistan with plans to add new trophies to our conquests. War talk abounds as to when Syria, Iran, and North Korea may be attacked.

How did this all transpire? Why did the government do it? Why have the people not objected? How long will it go on before something is done? Does anyone care? Will the euphoria of grand military victories against non-enemies ever be mellowed?

Someday we as a legislative body must face the reality about the dire situation in which we have allowed ourselves to become enmeshed. Hopefully it will be soon. We got here because ideas do have consequences. Bad ideas have bad consequences. Even the best of intentions have unintended consequences. We need to know exactly what the philosophic ideas were that drove us to this point; then hopefully reject them and decide on another set of intellectual parameters.

There is abundant evidence exposing those who drive our foreign policy justifying preemptive war. Those who scheme are proud of their achievements in usurping control over foreign policy. These are the neoconservatives of recent fame. Granted, they are talented and achieved a political victory that all policymakers must admire, but can freedom and the Republic survive this takeover? That question should concern us.

Neoconservatives are obviously in positions of influence and are well placed throughout our government and the media. An apathetic Congress put up little resistance and abdicated its responsibility over foreign affairs. The electorate was easily influenced to join in the patriotic fervor supporting the military adventurism advocated by the neoconservatives.

The numbers of those who still hope for truly limited government diminished and had their concerns ignored during these past 22 months during the aftermath of 9/11. Members of Congress were easily influenced to publicly support any domestic policy or foreign military venture that was supposed to help reduce the threat of a terrorist attack. Believers in limited government were harder to find. Political money, as usual, played a role in pressing Congress into supporting almost any proposal suggested by the neoconservatives. This process, where campaign dollars and lobbying efforts affect policy, is hardly the domain of any single party; and, unfortunately, is the way of life in Washington.

There are many reasons why government continues to grow. It would be naive for anyone to expect otherwise. Since 9/11, protection of privacy, whether medical, personal or financial, has vanished. Free speech and the fourth amendment have been under constant attack. Higher welfare expenditures are endorsed by the leadership of both parties. Policing the world and nation-building issues are popular campaign targets, yet they are now standard operating procedures here in Washington. There is no sign that these programs will be slowed or reversed until either we are stopped by force overseas, which will not be soon, or we go broke and can no longer afford

these grandiose plans for a world empire, which will probably come sooner than later.

None of this happened by accident or coincidence. Precise philosophic ideas prompted certain individuals to gain influence to implement these plans. The neoconservatives, a name they gave themselves, diligently worked their way into positions of power and influence. They documented their goals, strategy and moral justification for all they hoped to accomplish. Above all else, they were not and are not conservatives dedicated to limited constitutional government.

Neoconservatism has been around for decades and strangely has connections to past generations as far back as Machiavelli. Modern-day neoconservatism was introduced to us in the 1960s. It entails both a detailed strategy as well as a philosophy of government. The ideas of Teddy Roosevelt and certainly Woodrow Wilson were quite similar to many of the views of the present-day neocons. Neocon spokesman Max Boot brags that what he advocates is ''hard Wilsonianism.'' In many ways there is nothing neo about their views, and certainly nothing is conservative. Yet they have been able to co-opt the conservative movement by advertising themselves as a new or modern form of conservatism.

More recently, the modern-day neocons have come from the far left, a group historically identified as former Trotskyists. Liberal Christopher Hitchins has just recently joined the neocons. It has been reported that he has already been to the White House as an ad hoc consultant.

Many neocons now in position of influence in Washington can trace their status back to Professor Leo Strauss of the University of Chicago. One of Strauss' books was ''Thoughts on Machiavelli.'' This book was not a condemnation of Machiavelli's philosophy. Paul Wolfowitz got his Ph.D. under Strauss. Others closely associated with these views are Richard Perle, Eliot Abrams, Robert Kagan, and William Kristol. All are key players in designing our new strategy of preemptive war. Others include Michael Ledeen of the American Enterprise Institute, former CIA Director James Woolsey, Bill Bennett of ''Book of Virtue'' fame, Frank Gaffney, Dick Cheney and Donald Rumsfeld. There are just too many to mention who are philosophically or politically connected to the neocon philosophy in some varying degree.

The godfather of modern-day neoconservatism is considered to be Irving Kristol, father of Bill Kristol, who set the stage in 1983 with his publication ''Reflections of a Neoconservative.'' In this book Kristol also defends the traditional liberal position on welfare.

More important than the names of people affiliated with neoconservative are the views they adhere to. Here is a brief summary of the general understanding of what neocons believe. They agree with Trotsky on permanent revolution, violent as well as intellectual. They are for redrawing the map of the Middle East, and are willing to use force to do it. They believe in preemptive war to achieve desired ends. They accept the notion that the ends justify the means, that hard-ball politics is a moral necessity. They express no opposition to the welfare state. They are not bashful about an American empire; instead, they strongly endorse it. They believe lying is necessary for the state to survive. They believe a powerful Federal Government is a benefit. They believe pertinent facts of how a society should be run should be held by the elite and withheld from those who do not have the courage to deal with it. They believe neutrality in foreign affairs is ill-advised. They hold Leo Strauss in high esteem. They believe imperialism, if progressive in nature, is appropriate.

Using American might to force American ideas on others is acceptable, force should not be limited to the defense of our country, and 9/11 resulted from the lack of foreign entanglements, not from too many. They dislike and despise libertarians. Therefore, the same applies to all strict Constitutionalists. They endorse a tax on civil liberties such as those found in the PATRIOT Act as being necessary. They unconditionally support Israel and have a close alliance with the Likud Party.

Various organizations and publications of the past 30 years have played a significant role in the rise to power of the neoconservatives. It took plenty of money and commitment to produce the intellectual arguments needed to convince the many participants in the movement of its respectability.

It is no secret, especially after the rash of research and articles written about the neocons since our invasion of Iraq, how they gained influence and what organizations were used to promote their cause. Although for decades they agitated for their beliefs through publications like The National Review, Weekly Standard, The Public Interest, The Wall Street Journal, Commentary and The New York Post, their views only gained momentum in the 1990s following the first Persian Gulf War, which still has not ended. They became convinced that a much more militant approach to resolving all of the conflicts of the Middle East was an absolute necessity, and they were determined to implement that policy.

In addition to publications, multiple think tanks and projects were created to promote their agenda. A product of the Bradley Foundation, the American Enterprise Institute led the neocon charge, but the real push for war came from the project for a New American Century, another organization helped by the Bradley Foundation. This occurred in 1998 and was chaired by Weekly Standard editor Bill Kristol. They urged early on for war against the Iraq, but were disappointed with the Clinton administration, which never followed through with its periodic bombings. Obviously, those bombings were motivated more by Clinton's personal and political problems than a belief in the neocon agenda.

The election of 2000 changed all that. The Defense Policy Board, chaired by Richard Perle, played no small role in coordinating the various projects and think tanks, all determined to take us to war against Iraq. It was not too long before the dream of empire was brought closer to reality by the election of 2000, with Paul Wolfowitz, Richard Cheney and Donald Rumsfeld playing key roles in this accomplishment. The plan to promote an American greatness imperialistic foreign policy was now a distinct possibility. Iraq offered a great opportunity to prove their long-held theories. This opportunity was a consequence of the 9/11 disaster.

□ 2045

The money and views of Rupert Murdock also played a key role in promoting the neocon views, as well as rallying support by the general population, through his News Corporation, which owns Fox News Network, the New York Post and Weekly Standard. This powerful and influential media empire did more to galvanize public support for the Iraqi invasion than one might imagine. This facilitated the Rumsfeld/Cheney policy as their plans to attack Iraq came to fruition. It would have been difficult for the neocons to usurp foreign policy from the restraints of Colin Powell's State Department without the successful agitation of the Rupert Murdock empire. Max Boot was satisfied as he explained: ''Neoconservatives believe in using American might to promote American ideals abroad.'' This attitude is a far cry from the advice of the Founders who advocated no entangling alliances and neutrality as the proper goal of American foreign policy.

Let there be no doubt. Those in the neocon camp had been anxious to go to war against Iraq for a decade. They justified the use of force to accomplish their goals, even if it required preemptive war. If anyone doubts this assertion, they need only read of their strategy in ''A Clean Break: a New Strategy For Securing the Realm.'' Although they felt morally justified in changing the government in Iraq, they knew that public support was important and justification had to be given to pursue the war. Of course, a threat to us had to exist before the people and the Congress would go along with war. The majority of Americans became convinced of this threat, which in actuality never really existed.

Now we have the ongoing debate over the location of weapons of mass destruction. Where was the danger? Was all this killing and spending necessary? How long will this nation-building and dying go on? When will we become more concerned about the needs of our

own citizens than the problems we sought in Iraq and Afghanistan? Who knows where we will go next? Iran, Syria, North Korea.

At the end of the Cold War, the neoconservatives realized a rearrangement of the world was occurring in that our superior economic and military power offered them a perfect opportunity to control the process of remaking the Middle East.

It was recognized that a new era was upon us and the neocons welcomed Frances Fukuyama's ''end of history'' declaration. To them the debate was over. The West won; the Soviets lost. Old-fashioned communism was dead. Long live the new era of neoconservatism. The struggle may not be over, but the West won the intellectual fight, they reasoned. The only problem is that the neocons decided to define the philosophy of the victors. They had been amazingly successful in their efforts to control the debate over what Western values are and by what methods they will be spread throughout the world.

Communism surely lost a lot with the breakup of the Soviet Empire, but this can hardly be declared a victory for American liberty as the Founders understood it. neoconservatism is not the philosophy of free markets and a wise foreign policy. Instead, it represents big-government welfare at home and a program of using our military might to spread their version of American values throughout the world. Since neoconservatives dominate the way the U.S. Government now operates, it behooves us all to understand their beliefs and goals. The breakup of the Soviet system may well have been an epic event, but to say that the views of the neocons are the unchallenged victors in that all we need do is to wait for their implementation is a capitulation to the controlling of the forces of history that many Americans are not yet ready to concede. There is surely no need to do so.

There is now a recognized philosophic connection between modern-day neoconservatives and Irving Kristol, Leo Strauss and Machiavelli. This is important in understanding that today's policies and the subsequent problems will be with us for years to come if these policies are not reversed.

Not only did Leo Strauss write favorably of Machiavelli, Michael Ledeen, a current leader of the neoconservative movement, did the same in 1999 in his book with the title ''Machiavelli on Modern Leadership, Why Machiavelli's iron rules are as timely and important today as five centuries ago.'' Ledeen is indeed an influential neocon theorist whose views get a lot of attention today in Washington. His book on Machiavelli, interestingly enough, was passed out to Members of Congress attending a political strategy meeting shortly after its publication and at just about the same time ''A Clean Break'' was issued.

In Ledeen's most recent publication, ''The War Against the Terror Masters,'' he reiterates his beliefs he outlined in 1999. He specifically praises: ''Creative destruction . . . both within our own society and abroad . . . (foreigners) seeing America undo traditional societies may fear us, for they do not wish to be undone.'' Amazingly, Ledeen continues: ''They must attack us in order to survive, just as we must destroy them to advance our historic mission.''

If those words do not scare us, nothing will. If they are not a clear warning, I do not know what could be. It sounds like both sides of each disagreement in the world will be following the principles of preemptive war. The world is certainly a less safe place for it.

In ''Machiavelli on Modern Leadership,'' Ledeen praises a business leader for correctly understanding Machiavelli: ''There are no absolute solutions. It all depends. What is right and what is wrong depends on what needs to be done and how.'' This is a clear endorsement of situation ethics and is not coming from the traditional left. It reminds me of ''it depends on what the definition of the word 'is' is.''

Ledeen quotes Machiavelli approvingly on what makes a great leader: ''A prince must have no other objectives or other thoughts or take anything for his craft except war.'' To Ledeen this meant ''. . . the virtues of the warriors are those of great leaders of any successful organization.'' It is obvious that war is not coincidental to neocon philosophy but an integral part. The intellectuals justify it and the politicians carry it out. There is a precise reason to argue for war over peace according to Ledeen, for ''. . . peace increases our peril by making discipline less urgent, encouraging some of our worst instincts, in depriving us of some of our best leaders.'' Peace, he claims, is a dream and not even a pleasant one for it would cause indolence and would undermine the power of the state.

Although I concede the history of the world is a history of frequent war, to capitulate and give up even striving for peace, believing peace is not a benefit to mankind, is a frightening thought that condemns the world to perpetual war and justifies it as a benefit and necessity. These are dangerous ideas from which no good can come.

The conflict of the ages has been between the state and the individual: central power versus liberty. The more restrained the state and the more emphasis on individual liberty, the greater has been the advancement of civilization and general prosperity. Just as man's condition was not locked in place by the times and wars of old and improved with liberty and free markets, there is no reason to believe a new stage for man might not be achieved by believing and working for conditions of peace. The inevitability and so-called need for preemptive war should never be intellectually justified as being a benefit. Such an attitude guarantees the backsliding of civilization. Neocons, unfortunately, claim that war is in man's nature and that we cannot do much about it; so let us use it to our advantage by promoting our goodness around the world through force of arms. That view is anathema to the cause of liberty and the preservation of the Constitution. If it is not loudly refuted, our future will be dire, indeed.

Ledeen believes man is basically evil and cannot be left to his own desires. Therefore, he must have proper and strong leadership, just as Machiavelli argued. Only then can man achieve good, as Ledeen explains: ''In order to achieve the most noble accomplishment, the leader may have to 'enter into evil.'" This is the chilling insight that has made Machiavelli so feared, admired, and challenging. ''. . . we are rotten. It's true that we can achieve greatness if, and only if, we are properly led.'' In other words, man is so depraved that individuals are incapable of moral, ethical, and spiritual greatness, and achieving excellence and virtue can only come from a powerful authoritarian leader. What depraved ideas are these to now be influencing our leaders in Washington? The question Ledeen does not answer is: ''Why do the political leaders not suffer from the same shortcomings and where do they obtain their monopoly on wisdom?''

Once this trust is placed in the hands of a powerful leader, this neocon argues that certain tools are permissible to use. For instance, this is what Ledeen says: ''Lying is central to the survival of nations and to success of great enterprises because if our enemies can count on the reliability of everything you say, your vulnerability is enormously increased.'' What about the effects of lying on one's own people? Who cares if a leader can fool the enemy? Does calling it ''strategic deception'' make lying morally justifiable? Ledeen and Machiavelli argue that it does, as long as the survivability of the state is at stake. Preserving the state is their goal, even if personal liberty of all individuals has to be suspended or canceled.

Ledeen makes it clear that war is necessary to establish national boundaries because that is the way it has always been done. Who needs progress of the human race? He explains: ''Look at the map of the world: national boundaries have not been drawn by peaceful men leading lives of spiritual contemplation. National boundaries have been established by war, and national character has been shaped by struggle, most often bloody struggle.''

Yes, but who is to lead the charge and decide which borders we are to fight for? What about the borders 6,000 miles away unrelated to our own contiguous borders and our own national security? Stating a relative truism regarding the frequency of war throughout history should hardly be the moral justification for expanding the concept of war to settle man's disputes. How can one call this progress?

Machiavelli, Ledeen, and the neocons recognize a need to generate a religious zeal for promoting the state. This, he claims, is especially necessary when force is used to promote an agenda. It has been true throughout history and remains true today, each side of major conflicts invokes God's approval. Our side refers to a ''crusade,'' theirs to a ''holy Jihad.'' Too many wars boil down to their God versus our God. It seems this principle is more a cynical effort to gain approval from the masses, especially those most likely to be killed for the sake of the war promoters on both sides who have power, prestige, and wealth at stake.

Ledeen explains why God must always be on the side of the advocates of war: ''Without fear of God, no state can last long, for the dread of eternal damnation keeps men in line, causes them to honor their promises, and inspires them to risk their lives for the common good.'' It seems dying for the common good has gained a higher moral status than eternal salvation of one's soul. He goes on to say: ''Without fear of punishment, men will not obey laws that force them to act contrary to their passions. Without fear of arms, the state cannot enforce the laws . . . to this end, Machiavelli wants leaders to make the state spectacular.''

It is of interest to note that some large Christian denominations have joined the neoconservatives in promoting preemptive war, while completely ignoring the Christian doctrine of a Just War. The neocons sought and openly welcomed their support.

I would like someone to glean anything from what the Founders said or placed in the Constitution that agrees with this now-professed doctrine of a ''spectacular'' state promoted by those who now have so much influence on our policies here at home and abroad. Ledeen argues that this religious element, this fear of God is needed for discipline of those who may be hesitant to sacrifice their lives for the good of the ''spectacular state.''

He explains in eerie terms: ''Dying for one's country doesn't come naturally. Modern armies, raised from the populace, must be inspired, motivated, indoctrinated. Religion is central to the military enterprise, for men are more likely to risk their lives if they believe they will be rewarded forever after for serving their country.'' This is an admonition that might just as well been given by Osama bin Laden in rallying his troops to sacrifice their lives to kill the invading infidels, as by our intellectuals at AEI, who greatly influence our foreign policy.

□ 2100

Neocons, anxious for the U.S. to use force to realign the boundaries and change regimes in the Middle East, clearly understand the benefit of a galvanizing and emotional event to rally the people to their cause. Without a special event, they realize the difficulty in selling their policies of preemptive war where our own military personnel would be killed. Whether it was the Lusitania, Pearl Harbor, the Gulf of Tonkin or the Maine, all served their purpose in promoting a war that was sought by our leaders.

Ledeen writes of a fortuitous event. He wrote this in 1999. He says, ''Of course, we can always get lucky. Stunning events from outside can providentially awaken the enterprise from its growing torpor and demonstrate the need for reversal, as the devastating Japanese attack on Pearl Harbor so effectively aroused the U.S. from its soothing dreams of permanent neutrality.''

Amazingly, Ledeen is here calling Pearl Harbor a ''lucky'' event. The Project for a New American Century, as recently as September 2000, likewise foresaw the need for ''a Pearl Harbor event'' that would galvanize the American people to support their ambitious plans to ensure political and economic domination of the world while strangling any potential rival.

Recognizing a need for a Pearl Harbor event and referring to Pearl Harbor as being lucky are not identical to support and knowledge of such an event, but this sympathy for a galvanizing event, as 9/11 turned out to be, was used to promote an agenda that strict constitutionalists and devotees of the Founders of this Nation find appalling is indeed disturbing. After 9/11, Rumsfeld and others argued for an immediate attack on Iraq, even though it was not implicated in the 9/11 attacks.

The fact that neoconservatives ridicule those who firmly believe that U.S. interests and world peace would be best served by a policy of neutrality and avoiding foreign entanglements should not go unchallenged. Not to do so is to condone their grandiose plans for an American world hegemony.

The current attention given neocons is usually done in the context of foreign policy, but there is more to what is going on today than just the tremendous influence the neocons have on our new policy of preemptive war with a goal of empire. Our government is now being moved by several ideas that come together in what I call ''neoconism.'' The foreign policy is being openly debated, even if its implications are not fully understood by many who support it. Washington is now driven by old views brought together in a new package.

We know those who lead us, both in the administration and in the Congress, show no appetite to challenge the tax or monetary systems that do so much damage to our economy. The IRS and the Federal Reserve are off limits for criticism or reform. There is no resistance to spending, either domestic or foreign. Debt is not seen as a problem. The supply-siders won on this issue, and now many conservatives readily endorse deficit spending.

There is no serious opposition to expanding the welfare state, with rapid growth of the education, agriculture and medical care bureaucracies. Support for labor unions and protectionism are not uncommon. Civil liberties are easily sacrificed in the post-9/11 atmosphere prevailing in Washington. Privacy issues are of little concern, except for a few Members of Congress. Foreign aid and internationalism, in spite of some healthy criticism of the U.N. and growing concerns for our national sovereignty, are championed on both sides of the aisle. Lip service is given to the free market and free trade, yet the entire economy is run by special interest legislation favoring big business, big labor and, especially, big money.

Instead of the ''end of history,'' we are now experiencing the end of a vocal, limited-government movement in our Nation's capital. While most conservatives no longer defend balanced budgets and reduced spending, most liberals have grown lazy in defending civil liberties and are now approving wars that we initiate. The so-called ''third way'' has arrived, and, sadly, it has taken the worst of what the conservatives and the liberals have to offer. The people are less well off for it, while liberty languishes as a result.

Neocons enthusiastically embrace the Department of Education and national testing. Both parties overwhelmingly support the huge commitment to a new prescription drug program. Their devotion to the new approach called ''compassionate conservatism'' has lured many conservatives into supporting programs for expanding the Federal role for welfare and church charities. The faith-based initiative is a neocon project, yet it only repackages and expands the liberal notion of welfare. The intellectuals who promoted these initiatives were neocons, but there is nothing conservative about expanding the Federal Government's role in welfare.

The supply-siders' policy of low marginal tax rates has been incorporated into neoconism, as well as their support for easy money and generous monetary inflation. Neoconservatives are disinterested in the gold standard and even ignore the supply-siders' argument for a phoney gold standard. Is it any wonder that Federal Government spending is growing at a rate faster than in any time in the past 35 years?

Power, politics and privilege prevail over the rule of law, liberty, justice and peace, but it does not need to be that way. Neoconism has brought together many old ideas about how government should rule the people. It may have modernized its appeal in packaging, but authoritarian rule is authoritarian rule, regardless of the humanitarian overtones. A solution can only come after the current ideology driving our government and policies is replaced with a more positive one.

In a historical context, liberty is a modern idea and must once again regain the high moral ground for civilization to advance. Restating the old justifications for war, people control and a benevolent state cannot suffice. It

cannot eliminate the shortcomings that always occur when the state assumes authority over others and when the will of one nation is forced on another, whether or not it is done with good intentions.

I realize that all conservatives are not neoconservatives, and all neocons do not necessarily agree on all points, which means that in spite of their tremendous influence, most Members of Congress and those in the administration do not necessarily take their marching orders from the AEI or Richard Perle. But to use this as a reason to ignore what neoconservative leaders believe, write about and agitate for with amazing success, I might point out, would be at our own peril.

This country still allows open discourse, though less every day, and we who disagree should push the discussion and expose those who drive our policies. It is getting more difficult to get fair and balanced discussion on the issues because it has become routine for the hegemons to label those who object to preemptive war and domestic surveillance as traitors, unpatriotic, and un-American. The uniformity of support for our current foreign policy by major and cable news networks should concern every American. We should all be thankful for C-SPAN and the Internet.

Michael Ledeen and other neoconservatives are already lobbying for war against Iran. Ledeen is pretty nasty to those who call for a calmer, reasoned approach by calling those who are not ready for war cowards and appeasers of tyrants. Because some urge a less militaristic approach to dealing with Iran, he claims they are betraying America's best traditions.

I wonder where he learned American history. It is obvious that Ledeen does not consider the Founders and the Constitution part of our best traditions. We were hardly encouraged by the American revolutionaries to pursue an American empire. We were, however, urged to keep the Republic that they so painstakingly designed.

If the neoconservatives retain control of the conservative, limited-growth movement in Washington, the ideas once championed by the conservatives of limiting the size and scope of government will be a long-forgotten dream.

The believers in liberty ought not deceive themselves. Who should be satisfied? Certainly not conservatives, for there is no conservative movement left. How about liberals? Should they be satisfied? They are pleased with the centralization of education and medical programs in Washington and support many of the administration's proposals, but none of the liberals should be pleased with the steady attack on civil liberties of all American citizens and the now-accepted consensus that preemptive war for almost any reason is an acceptable policy for dealing with all the conflicts and problems of the world.

In spite of the deteriorating conditions in Washington, with loss of personal liberty, a weak economy, exploding deficits and perpetual war, followed by nation-building, there are still quite a number of us who would relish the opportunity to improve things in one way or another. Certainly a growing number of frustrated Americans from both the right and the left are getting anxious to see this Congress do a better job. But first Congress must stop doing a bad job.

We are at a point where we need a call to arms, both here in Washington and across the country. I am not talking about firearms. Those of us who care need to raise our arms and face our palms out and begin waving and shouting, ''Stop. Let us stop this. Enough is enough.'' It should include liberals, conservatives and independents. We are all getting a bum rap from the politicians who are pushed by the polls and controlled by special interest money.

One thing is certain: No matter how morally justified programs and policies seem, the ability to finance all the guns and butter being promised is limited, and those limits are becoming more apparent every day. Spending, borrowing and printing money cannot be the road to prosperity. It has not worked in Japan, and it is not working here. As a matter of fact, it has never worked at the present time throughout history.

A point is always reached where government planning, spending and inflation run out of steam. Instead of these old tools reviving an economy, as they do in the early stages of economic interventionism, they eventually become a problem. Both sides of the political spectrum must one day realize that limitless government intrusion in the economy, in our personal lives and the affairs of other nations cannot serve the best interests of America.

This is not a conservative problem, nor is it a liberal problem, it is a government intrusion problem that comes from both groups, albeit for different reasons. The problems emanate from both camps who champion different programs for different reasons. The solution will come when both groups realize that is not merely a single-party problem, or just a liberal or just a conservative problem.

Once enough of us decide we have had enough of all these so-called good things that the government is always promising, or, more likely, when the country is broke and the government is unable to fulfill its promises to its people, we can start a serious discussion on the proper role of government in a free society. Unfortunately, it will be some time before Congress gets this message that the people are demanding true reform. This requires that those responsible for today's problems are exposed and their philosophy of pervasive government intrusion is rejected.

Let it not be said that no one cared, that no one objected once it is realized that our liberties and wealth are in jeopardy. A few have, and others will continue to do so, but too many, both in and out of government, close their eyes to the issue of personal liberty and ignore the fact that endless borrowing to finance endless demands cannot be sustained.

True prosperity can only come from a healthy economy and sound money. That can only be achieved in a free society.

SPECIAL ORDERS GRANTED

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

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

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

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

Mr. NORWOOD, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, July 16.

Mr. TANCREDO, for 5 minutes, July 17.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, July 17.

Mr. BURGESS, for 5 minutes, today.

Mr. HOBSON, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

3092. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3093. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of

Federal Prison Industries Clearance Exception [DFARS Case 2003-D006] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3094. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2003-D002] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3095. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-01] (RIN: 2577-AC43) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3096. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Deregulation for Small Public Housing Agencies [Docket No. FR-4753-F-02] (RIN: 2577-AC34) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3097. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3098. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's plans regarding the remaining 700 MHz auctions, and describes the progress made by the Commission in the digital television transition and other spectrums, pursuant to Public Law 107—195 (116 Stat. 715); to the Committee on Energy and Commerce.

3099. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket 01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 10-03 which informs of an intent to sign a Project Agreement between the United States and Israel concerning a Smart Adaptive Fin (SAF) Prototype Study, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3101. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-03 which informs of intent to sign Amendment Number One to the Tactical Communications Post 2000 Memorandum of Understanding (TACOMS Post 2000 MOU) between the United States, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3102. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11-03 which informs of an intent to sign a Project Agreement between the United States and Singapore concerning Protective Suit Development and Evaluation Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3103. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-03 which informs of intent to sign Amendment Number One to the Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements transmitted to the Congress after expiration of the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3105. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on Audit Follow-up for the period October 1, 2002 through March 31,2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3106. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3107. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3108. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3109. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3110. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3111. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3112. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3113. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3114. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3115. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3116. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3117. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3118. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3119. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Albemarle and Chesapeake Canal, AICW, Virginia [CGD05-03-059] (RIN: 1625-AA09) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harrisville, MI [CGD09-03-228] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-03-229] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-03-105] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marblehead Fourth of July Fireworks, Marblehead, Massachusetts [CGD01-03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston 4th of July Fireworks-Charles River, Boston, Massachusetts [CGD01-03-050] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tribute to the Troops, 4th of July Fireworks, Salem, Massachusetts [CGD01-03-069] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distributions of Interest in a Loss Corporation from Qualified

Trusts [REG-108676-03] (RIN: 1545-BC00) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3128. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under Section 146(e) (Notice 2003-41) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3129. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Substantiation of Incidental Expenses [TD 9064] (RIN: 1545-BB20) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038--Returns required with respect to controlled foreign partnerships [TD 9065] (RIN: 1545-BA77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3131. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Returns Regarding Payments of Remuneration for Services and Direct Sales (Rev. Rul. 2003-66) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3132. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Minimum Funding Standards (Rev. Rul. 2003-83) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Outbound Liquidations into Foreign Corporations [TD 9066] (RIN: 1545-BA79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of stock and securities of a controlled corporation (Rev. Rul. 2003-79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2003-74) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Notice 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-50) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to Elect Mid-quarter Convention Relief Under Notice 2001-70 and Notice 2001-74 (Notice 2003-45) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Membership Organizations (Rev. Rul. 2003-73) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accelerated Cost Recovery System (Rev. Rul. 2003-81) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–195). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. House Concurrent Resolution 159. A resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day (Rept. 108–196). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2595. A bill to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (Rept. 108–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for Veterans seeking health care from the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 108–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; with amendments (Rept. 108–199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2692. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes; to the Committee on Science.

By Mr. GILCHREST (for himself and Mr. POMBO):

H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. FERGUSON (for himself, Mr. TOWNS, and Mr. SOUDER):

H.R. 2694. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Ms. HART:

H.R. 2695. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself, Mr. HAYWORTH, Mr. MCINNIS, Mr. KOLBE, Mr. PEARCE, and Mr. TANCREDO):

H.R. 2696. A bill to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H.R. 2697. A bill to amend the Internal Revenue Code of 1986 to provide an additional personal exemption for certain dependents with long-term care needs; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. TOWNS, Mr. FLETCHER, and Mr. WALDEN of Oregon):

H.R. 2698. A bill to provide for a system of health insurance certificates to increase the number of Americans with health insurance coverage; to the Committee on Energy and Commerce.

By Mr. BURR (for himself, Mr. GILLMOR, Ms. MCCARTHY of Missouri, Mr. OTTER, Mr. BRADLEY of New Hampshire, Ms. DUNN, Mr. DEAL of Georgia, Mr. PETRI, Mr. THOMPSON of Mississippi, Mr. TERRY, Mr. ISSA, Mr. TOWNS, Mr. BOEHNER, Mr. FOLEY, Mr. SHUSTER, Mr. KOLBE, and Mr. CRENSHAW):

H.R. 2699. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COX (for himself, Mr. NORWOOD, Mr. ISSA, Mr. ENGEL, Mr. BOUCHER, Mr. BERMAN, and Mr. POMEROY):

H.R. 2700. A bill to amend title XVIII of the Social Security Act to revise the methodology by which payment for orphan drugs and biologicals is made under program prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2701. A bill to amend title 10, United States Code, to extend to additional military retirees with service-connected disabilities the special compensation authority provided for certain retirees with combat-related disabilities; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. MCGOVERN, Mr. SANDERS, Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. GREEN of Texas):

H.R. 2702. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferree nonimmigrants; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. ENGLISH):

H.R. 2703. A bill to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN of Washington (for himself, Mr. COBLE, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. LANTOS, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. ISRAEL, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. INSLEE, Mr. MCINTYRE, Mrs. TAUSCHER, Ms. LEE, Mr. NADLER, and Mr. HONDA):

H.R. 2704. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS of Kentucky:

H.R. 2705. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. MCINNIS, and Mr. MATSUI):

H.R. 2706. A bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns; to the Committee on Ways and Means.

By Mr. PEARCE (for himself, Mr. STENHOLM, Mr. MCINNIS, Mrs. WILSON of New Mexico, Mr. HUNTER, Mr. BONILLA, Mr. RENZI, Mr. CANNON, Mr. MATHESON, Mr. THORNBERRY, Mr. GRIJALVA, Mr. NEUGEBAUER, Mr. MORAN of Kansas, and Mr. OSBORNE):

H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U. S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U. S. Forest Service; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2708. A bill to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 2709. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. TAYLOR of North Carolina:

H.R. 2710. A bill to ensure that a flag is furnished to drape the casket of each public safety officer killed in the line of duty; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. SIMMONS, Mr. WAXMAN, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. SANDERS, Mr. CLAY, Mr. FARR, Mr. FILNER, Mr. RAHALL, Mr. FORD, Mr. PETRI, Mr. MCNULTY, Mr. SCOTT of Georgia, Mr. HOLDEN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. GOODE, Mr. BOUCHER, Mr. SANDLIN, Ms. LEE, Mr. OWENS, Mr. CONYERS, Mr. ETHERIDGE, Mr. LANTOS, Mr. BISHOP of Georgia, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. SHAYS, Ms. BALDWIN, Mr. ROTHMAN, Mr. SERRANO, Mr. CLYBURN, Mr. RYAN of Ohio, Mr. RUSH, Ms. LOFGREN, Mr. MURPHY, Mr. WEXLER, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. TERRY, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. HOLT, Mr. ISRAEL, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. DOYLE, Mr. ROSS, Ms. WATSON, Mr. MOORE, and Mr. GRIJALVA):

H.R. 2711. A bill to permit refinancing of Federal student consolidation loans, and to permit students freedom to select a student loan consolidator; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. QUINN):

H.R. 2712. A bill to authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII,

138. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to enact legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the certain conditions have been met, and not before May 1, 2006; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 2713) for the relief of Mai Thi Thuy Nuong; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 58: Mr. CASE and Mr. BURR.

H.R. 110: Mr. ISAKSON, Mr. BAKER, Mr. GREEN of Wisconsin, and Mr. NORWOOD.

H.R. 135: Mr. CARDOZA.

H.R. 208: Mr. GEORGE MILLER of California.

H.R. 218: Ms. HARRIS, Mr. POMBO, and Mr. CULBERSON.

H.R. 333: Mr. BALLENGER.

H.R. 369: Mr. UPTON.

H.R. 371: Mr. ENGEL and Mr. DEUTSCH.

H.R. 375: Mr. MICHAUD.

H.R. 380: Mr. OTTER and Mr. CALVERT.

H.R. 401: Mr. MCGOVERN and Mr. HOYER.

H.R. 439: Mr. FALEOMAVAEGA.

H.R. 466: Mr. BURR.

H.R. 486: Mr. COLLINS.

H.R. 490: Mr. WATT.

H.R. 591: Mr. SHAYS.

H.R. 595: Mr. FOLEY.

H.R. 687: Mr. MANZULLO.

H.R. 737: Mr. CASE.

H.R. 742: Mr. BAKER and Mr. CUNNINGHAM.

H.R. 790: Mr. MANZULLO.

H.R. 832: Mr. MICHAUD and Ms. MILLENDER-MCDONALD.

H.R. 839: Mr. SNYDER, Mr. CHOCOLA, Mr. LANGEVIN, Mrs. TAUSCHER, Ms. GRANGER, Ms. SLAUGHTER, Mr. NEUGEBAUER, Mr. BACA, Mr. RODRIGUEZ, Mr. NUNES, Mr. LATOURETTE, and Mr. MARSHALL.

H.R. 857: Mr. JEFFERSON and Mr. LIPINSKI.

H.R. 887: Mr. DAVIS of Florida.

H.R. 931: Mr. STEARNS.

H.R. 935: Mr. MCGOVERN, Mr. BISHOP of New York, and Mr. MICHAUD.

H.R. 962: Mr. WEINER, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. LARSON of Connecticut, Mr. DOGGETT, Ms. LEE, Mr. CONYERS, Mr. LANGEVIN, and Mr. RUPPERSBERGER.

H.R. 997: Mr. BONNER and Mr. DUNCAN.

H.R. 1014: Ms. DUNN.

H.R. 1083: Mr. TERRY and Mr. TOM DAVIS of Virginia.

H.R. 1085: Mr. CRAMER, Mr. WICKER, and Ms. ESHOO.

H.R. 1088: Mr. REYES and Mr. HINOJOSA.

H.R. 1096: Mr. SMITH of New Jersey and Mr. RODRIGUEZ.

H.R. 1097: Ms. KILPATRICK.

H.R. 1100: Mr. GREEN of Wisconsin.

H.R. 1103: Mr. NADLER.

H.R. 1108: Mr. ANDREWS.

H.R. 1118: Mr. CARDOZA, Mr. FORD, Mr. LARSEN of Washington, Mr. KIND, Mr. GOODLATTE, and Mr. DAVIS of Florida.

H.R. 1131: Mr. RANGEL.

H.R. 1157: Mr. LAMPSON.

H.R. 1160: Mr. CASE, Ms. BERKLEY, Mr. ETHERIDGE, Mr. LUCAS of Oklahoma, Mr. DAVIS of Tennessee, Mr. BEAUPREZ, and Mr. JONES of North Carolina.

H.R. 1173: Mr. WICKER.

H.R. 1200: Mr. DICKS, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. DAVIS of Illinois, and Ms. NORTON.

H.R. 1202: Mr. BOYD, Mr. OSBORNE, Mr. MORAN of Kansas, and Mr. ALEXANDER.

H.R. 1212: Mr. BISHOP of Georgia.

H.R. 1231: Mr. TOWNS.

H.R. 1258: Mr. LANTOS.

H.R. 1301: Mr. WELDON of Pennsylvania and Ms. BALDWIN.

H.R. 1309: Mr. BISHOP of Georgia.

H.R. 1315: Mr. EHLERS.

H.R. 1359: Mr. DAVIS of Illinois.

H.R. 1367: Mr. DAVIS of Tennessee.

H.R. 1372: Mr. WAMP, Mr. CANNON, Mr. JOHN, Mr. SENSENBRENNER, and Mr. SHADEGG.

H.R. 1414: Mr. HINCHEY and Mr. FRANK of Massachusetts.

H.R. 1426: Mr. GEORGE MILLER of California.

H.R. 1472: Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. QUINN, Mr. SHAW, and Mr. SERRANO.

H.R. 1483: Ms. ESHOO and Mr. MEEHAN.

H.R. 1489: Mr. NUNES.

H.R. 1516: Mr. EVANS, Mr. MICHAUD, and Mr. SMITH of New Jersey.

H.R. 1519: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1581: Mr. MCGOVERN, Mr. BOYD, Mr. SMITH of Washington, and Mr. FILNER.

H.R. 1606: Mr. KINGSTON.

H.R. 1628: Mr. JOHN, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi.
H.R. 1675: Mr. LARSEN of Washington.
H.R. 1678: Mr. SENSENBRENNER.
H.R. 1695: Mr. STARK and Ms. LINDA T. SANCHEZ of California.
H.R. 1707: Mr. GOODLATTE, Mr. COBLE, and Mr. STRICKLAND.
H.R. 1708: Mr. HOLT, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. HINOJOSA, Ms. WOOLSEY, Mr. WU, Mr. DICKS, Mr. HINCHEY, Mr. JOHN, Mr. RAHALL, Mr. BALLANCE, Mr. RUSH, and Mr. SHERMAN.
H.R. 1713: Mr. BISHOP of Georgia.
H.R. 1720: Mr. PORTER.
H.R. 1752: Ms. NORTON, Mr. SERRANO, Mr. TOWNS, Ms. KILPATRICK, and Mr. Frost.
H.R. 1769: Mr. REHBERG, Mr. JACKSON of Illinois, and Mr. BERMAN.
H.R. 1776: Mr. LUCAS of Kentucky.
H.R. 1796: Mr. ANDREWS.
H.R. 1800: Mr. LARSON of Connecticut.
H.R. 1813: Mr. HONDA, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. STARK, Ms. WOOLSEY, Mr. PETERSON of Minnesota, and Mr. RAMSTAD.
H.R. 1819: Mr. LATHAM.
H.R. 1824: Mr. ABERCROMBIE, Mr. MANZULLO, Mr. HOLDEN, Mr. LANTOS, Mr. TERRY, and Mr. BARRETT of South Carolina.
H.R. 1865: Mr. NEY and Mr. OWENS.
H.R. 1884: Mr. BALLENGER.
H.R. 1905: Mr. BAIRD.
H.R. 1910: Mr. EDWARDS.
H.R. 1916: Mr. CLAY, Mr. DAVIS of Alabama, Mr. ROSS, Mr. STARK, and Mr. BISHOP of Georgia.
H.R. 1926: Mr. SHAYS.
H.R. 1930: Mr. DELAHUNT.
H.R. 1956: Mr. RAMSTAD, Mr. RYAN of Ohio, and Ms. NORTON.
H.R. 1997: Mr. ROGERS of Michigan.
H.R. 2068: Mr. STARK, Mr. MORAN of Virginia, Mr. INSLEE, and Mr. BAIRD.
H.R. 2069: Mr. STARK, Mr. MORAN of Virginia, Mr. GREENWOOD, Mr. INSLEE, and Mr. BAIRD.
H.R. 2079: Mr. ROGERS of Alabama, Mr. SHAYS, and Mr. CLAY.
H.R. 2092: Mr. KUCINICH.
H.R. 2124: Mr. FALEOMAVAEGA and Mr. ACEVEDO-VILA.
H.R. 2154: Mr. BAIRD, Mr. MANZULLO, and Mr. SHAYS.
H.R. 2174: Mrs. WILSON of New Mexico, Mr. OWENS, and Mr. KUCINICH.
H.R. 2181: Mr. LAHOOD and Mr. KLINE.
H.R. 2183: Mr. ROSS.
H.R. 2193: Ms. LEE.
H.R. 2205: Ms. NORTON.
H.R. 2207: Mr. BROWN of Ohio.
H.R. 2216: Mr. PITTS.
H.R. 2224: Mr. SCHROCK.
H.R. 2235: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2237: Mr. HOLT and Mr. SIMMONS.
H.R. 2242: Mrs. CHRISTENSEN.
H.R. 2260: Mr. SHAW, Mr. GERLACH, Mr. TIAHRT, Ms. KILPATRICK, Mr. ENGLISH, Mr. EHLERS, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. LARSEN of Washington, Mr. STARK, Mr. RYAN of Ohio, Mr. HOSTETTLER, and Mr. ACKERMAN.
H.R. 2269: Mr. WELDON of Florida.
H.R. 2297: Mr. UDALL of New Mexico.
H.R. 2303: Mr. CALVERT, Mr. KING of Iowa, and Mr. MILLER of Florida.
H.R. 2318: Mr. PASTOR, Mr. CLAY, Mr. BALLANCE, and Mr. LAMPSON.
H.R. 2323: Mrs. KELLY, Ms. ROS-LEHTINEN, and Mr. LIPINSKI.
H.R. 2327: Mr. LUCAS of Kentucky and Mr. ROGERS of Kentucky.
H.R. 2336: Mr. LIPINSKI.
H.R. 2340: Mr. TERRY.
H.R. 2352: Mr. CASE, Mr. MILLER of Florida, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.
H.R. 2353: Mr. MORAN of Virginia.
H.R. 2357: Mr. ROYCE, Mr. ENGLISH, and Mr. GOODE.
H.R. 2361: Mr. FALEOMAVAEGA.
H.R. 2418: Ms. MILLENDER-MCDONALD and Ms. MCCOLLUM.
H.R. 2433: Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. MATHESON, and Mr. CLAY.
H.R. 2442: Mr. GONZALEZ, Mr. SAXTON, and Mr. QUINN.
H.R. 2462: Mr. NEAL of Massachusetts, Mr. KANJORSKI, Mr. KILDEE, Mr. LIPINSKI, and Mr. BURTON of Indiana.
H.R. 2466: Mr. CARSON of Oklahoma, Mr. FORD, and Mr. WEXLER.
H.R. 2470: Mr. OWENS.
H.R. 2476: Mr. OWENS.
H.R. 2482: Mr. WEXLER.
H.R. 2515: Ms. SOLIS, Mr. WAXMAN, Mr. NETHERCUTT, Mr. TOWNS, Mr. RUSH, and Mr. JANKLOW.
H.R. 2517: Ms. GINNY BROWN-WAITE of Florida, Mr. TOWNS, Mr. BACHUS, and Mr. DEAL of Georgia.
H.R. 2524: Mr. HINCHEY and Mr. WEXLER.
H.R. 2528: Mr. SERRANO, Mrs. MCCARTHY of New York, and Mr. TOWNS.
H.R. 2553: Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, and Mr. BACHUS.
H.R. 2568: Mr. GILCHREST and Ms. MCCOLLUM.
H.R. 2569: Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. BISHOP of Georgia.
H.R. 2581: Mr. CANTOR.
H.R. 2582: Mrs. JONES of Ohio, Mr. CONYERS, Mr. COOPER, Mr. WEXLER, and Mr. NEAL of Masschusetts.
H.R. 2620: Mr. ABERCROMBIE.
H.R. 2622: Mr. KENNEDY of Minnesota, Mr. SCOTT of Georgia, Mr. BOYD, Mr. WELDON of Florida, and Mr. ROGERS of Michigan.
H.R. 2625: Mr. VAN HOLLEN, Ms. LEE, Mr. DOGGETT, and Mr. MCDERMOTT.
H.R. 2655: Mr. MARKEY, Mrs. LOWEY, Mr. MCGOVERN, and Mr. FOSSELLA.
H.R. 2661: Mr. DEMINT, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina.
H.R. 2665: Mr. MCGOVERN, Ms. SOLIS, and Mr. GRIJALVA.
H.R. 2668: Mr. UPTON and Mr. STUPAK.
H.R. 2669: Mr. WAXMAN, Mr. CUMMINGS, Ms. WATSON, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. BELL, Mr. OWENS, Mr. CLAY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. LEE, Ms. MAJETTE, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. FORD, Mr. JACKSON of Illinois, Mr. WATT, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. WYNN, Mrs. CHRISTENSEN, Mr. BALLANCE, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. FATTAH, Ms. CARSON of Indiana, Mr. JEFFERSON, and Mr. CONYERS.
H.R. 2672: Mr. BEAUPREZ.
H.J. Res. 56: Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. WHITFIELD, Mr. HUNTER, Mr. DOOLITTLE, Mr. BROWN of South Carolina, and Mr. CANTOR.
H. Con. Res. 71: Mr. SNYDER, Mr. OWENS, Mrs. JONES of Ohio, Mr. FROST, Mr. WYNN, Mr. MCNULTY, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, and Mr. MCDERMOTT.
H. Con. Res. 119: Mr. WELDON of Florida, Mr. BEAUPREZ, and Mr. TANCREDO.
H. Con. Res. 197: Mr. SOUDER, Mr. BLUNT, Mr. CAMP, Mr. GORDON, Mr. ROGERS of Kentucky, Mr. LUCAS of Kentucky, and Mr. TOOMEY.
H. Con. Res. 232: Mr. DEUTSCH, Mr. BERMAN, Mr. HOEFFEL, and Mrs. LOWEY.
H. Res. 38: Mr. GEORGE MILLER of California and Mr. LANTOS.
H. Res. 167: Mr. HONDA.
H. Res. 259: Mr. WEXLER.
H. Res. 261: Mr. SNYDER.
H. Res. 274: Mr. COBLE.
H. Res. 307: Ms. CARSON of Indiana, Mr. RYAN of Ohio, Ms. WATSON, Mr. ACKERMAN, Ms. LEE, Mr. LIPINSKI, Mr. HOEFFEL, Mr. HINCHEY, Mr. SERRANO, Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.
H. Res. 315: Ms. ROS-LEHTINEN and Mr. NEUGEBAUER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows;

H.R. 1472: Mr. KING of Iowa and Mr. BURTON of Indiana.

PETITIONS, ETC.

Under clause 3 of rule XII,

22. The SPEAKER presented a petition of Lazar Simov Kovacevich, a citizen of Florida, relative to a Resolution petitioning the United States Congress for a thorough review of the Petition for Writ of Certiorari in the New York State Court of Appeals (Docket No. 02–8202); which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Rodney Alexander, Baron P. Hill, Mike McIntyre, Mike Thompson, Allen Boyd, Jim Turner, Barion Berry, and Ralph M. Hall.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2660

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 10: At the end of the bill (before the short title) insert the following:

Sec. . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2660

OFFERED BY: MR. TOOMEY

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. ____. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

H.R. 2660

OFFERED BY: MR. ALLEN

AMENDMENT NO. 12: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational

agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

H.R. 2691

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 1. At the end of the bill (before the short title), insert the following new section:

SEC. 3.____. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.