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.)