Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—16

Barrett (SC)
Brown-Waite, Ginny
Buyer
Davis (IL)
DeFazio
Delahunt
Hastings (FL)
Hastings (WA)
Hodes
Marchant
McMorris Rodgers
Minnick
Radanovich
Speier
Spratt
Wu

□ 1503

Messrs. TAYLOR and CONNOLLY of Virginia changed their vote from ''yea'' to ''nay.''

Ms. BEAN changed her vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING REPRESENTATIVE CATHY MCMORRIS RODGERS ON BIRTH OF BABY GIRL

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

Mr. HASTINGS of Washington. Madam Speaker and my colleagues, I am very pleased to make a very important announcement: today, a new Republican was born.

Our colleague, CATHY MCMORRIS RODGERS, delivered a baby girl this morning at 12:20. The baby weighed nearly 8½ pounds and is over 20 inches. Both the mother and daughter are doing very well, as is Brian.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the bill is considered read and the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Madam Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline moves to recommit the bill S. 3307 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Amend section 205 to read as follows:

SEC. 205. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

''(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

''(1) refuses to consent to a criminal background check that includes—

''(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

''(C) a search of the National Crime Information Center;

''(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(2) makes a false statement in connection with such criminal background check;

''(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of a felony consisting of—

''(A) homicide;

''(B) child abuse or neglect;

''(C) a crime against children, including child pornography;

''(D) spousal abuse;

''(E) a crime involving rape or sexual assault;

''(F) kidnapping;

''(G) arson; or

''(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.''.

In section 206, strike ''(as amended by section 205)''.

Mr. KLINE of Minnesota (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota is recognized for 5 minutes in support of his motion to recommit.

Mr. KLINE of Minnesota. Madam Speaker, with the clock winding down on the 111th Congress, there seems to be a rush to push through as many bills at the last minute as this majority can manage. Unfortunately, this sprint to the finish means the sacrifice of the deliberative process. This bill was sent to us from the other body with the demand that we accept it as is; that we cannot change a single comma or period, much less improve the policy.

This is a bill that never received a hearing or vote in the Education and Labor Committee. Not a single amendment was made in order for debate, which means here on the House floor Members were not permitted to even discuss possible improvements to the bill.

This motion to recommit is our last chance to improve the bill, our last chance to remove some of its most harmful provisions and insert stronger protections for our children; and that is exactly what we are attempting to do.

First, to protect the safety of children receiving meals in a child care setting, the motion to recommit requires comprehensive background checks for all child care providers. A comprehensive background check searches various criminal databases housed at the State and Federal levels, as well as the National Sex Offender Registry. With taxpayers subsidizing these programs, parents need the peace of mind that comes with knowing that their children are not being left in the care of individuals with a history of violence, child abuse, or other criminal behavior. In fact, many parents today may wrongly believe these child care providers have been given a background check because of the tacit seal of approval that comes with being a federally funded program. Unfortunately, Federal law contains no comprehensive background check requirement for child care providers that receive funding under these nutrition programs. Currently, only 10 States have a comprehensive system that includes a check of the Child Abuse and Neglect Registry, a check of the Sex Offender Registry, and a State and Federal fingerprint check. Simply checking the fingerprint of a current or future child care worker will help advance the safety of countless children.

Next, the motion to recommit eliminates the middle class tax included in this proposal. Any time the Federal Government forces a private citizen to reach into his or her own pocket and pay more for a good or service, it is a tax by any commonsense definition of the word, and that is exactly what this provision would do. It creates a Federal price floor for paid school lunches, a floor for paid school lunches, forcing many schools to increase the prices they charge the children who do not receive free or reduced price meals.

The National Governors Association and leading school groups have spoken out in opposition to this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher quality meals.

□ 1510

In a letter to Congress, the NGA wrote, this provision ''would establish a Federal mandate for every paid meal in every school in the country for the first time ever.'' They went on to say this will, ''price out some low-income families from paid school meals and punish school districts that in good faith have worked to increase the quality of school meals, while simultaneously holding down the paid meal prices.''

Allowing the Federal Government to create price mandates is a dangerous precedent and should not be set. By approving this motion to recommit, we can block this harmful tax on working families. We have thoroughly debated the broader objections to this legislation today, arguing against the spending and mandate, but that is not the debate we're having now.

This motion to recommit is a modest pair of corrections that will make the bill better. It will make our children safer and protect working families, and I urge my colleagues to support its passage.

I yield back my time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, we have known for some time, and certainly known all today, that our colleagues on the other side of the aisle oppose this legislation, and that's what the gentleman, my colleague, Mr. KLINE, just spoke to, his opposition to this legislation.

They have opposed this legislation even though this legislation is fully paid for under the PAYGO rules. They've opposed this legislation even though it passed unanimously out of the Senate committee. They opposed this legislation even though it passed unanimously on the floor of the Senate and was sent to us, because they know that we're in the last days of this session, and if they can attach something to this legislation, they can kill this bill.

They can kill the years of hard work that have gone into this legislation to make it less expensive for school districts, to make it more flexible for school districts, to make it easier on parents, to make it sure that we have safe meals so, when food is recalled, the school districts will be informed right away. Usually, they're the last to know that they're serving dangerous and maybe lethal food on the food recall.

They know that what this bill does is create for the first time healthy meals so we can address the problems of diabetes and obesity that are swamping this Nation's health care system, that are swamping the health care budgets of families, of businesses, that start with children and have adult onset as a result of that. This effort is endorsed by the pediatrics association and every other health care association because they understand this is the front line if we're going to reverse this trend.

So now what have they done, as they've talked about the Federal Government, extending the mandate of the Federal Government? The Federal Government is about to swoop in on family day care providers, more family day care providers than any other kind of day care provider in the country, very important in rural areas, very important in poor areas, person takes care of four or five of their neighbors' friends, they know these people. Now they have a mandate. They have to do a background check. These are marginal operations. Do they have to pay for that? Do they know with certainty who's going to do that? Who's going to do that check? And if they're in a school setting, does the school district pay for it? They've got to have a background check. If they're in a kindergarten as part of a child care program, do they pay for that?

So what they're trying to do is kill this bill. It wouldn't matter what this amendment said. If it goes back to the Senate, we've struggled all of us mightily, on both sides of the aisle, with the nature of the Senate. But here we have the opportunity to have a major program, to improve the nutrition and flexibility and the health and the safety of this program, and now this is an effort to kill it.

I yield to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Ladies and gentlemen, we all want to pursue the legislative process. One of the things that has undermined the legislative process in this House perhaps on both sides is the ''gotcha'' amendments. This amendment has a worthwhile objective, obviously, of protecting our children. We're going to give everybody an opportunity to vote on this amendment in just a few short hours, and then we're going to pass this bill—because the gentleman's debate had nothing to do with this amendment until the last few seconds of his remarks.

His remarks went to the substance of this bill. He's opposed to this bill. He said he's opposed to this bill. This bill passed unanimously. Unanimously means that every Republican, as well as every Democrat, wanted to reach out to provide for child nutrition for America's children.

This bill, I believe, enjoys the majority's support on this floor. We'll pass this bill, and we will pass it tomorrow, but we're going to give Members on this side of the aisle, as well as on your side of the aisle, an opportunity to pass an amendment that in effect says, okay, if you want to put these regulations on these small providers in these small jurisdictions, fine, we will do it; we want to protect children as much as you do. And I've said that during the substance of our debate, that we wanted to protect children, and I'm sure you want to make sure the children are well fed.

So, my belief is that we will rise now. We will come back on this amendment, which is not related. We'll give you an opportunity to vote on your amendment, and then we are going to pass this bill and send it to the President of the United States, as the Senate of the United States unanimously voted to do.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of S. 3307 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Res. 1217,

H. Res. 1724, both de novo.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

HONORING FORT DRUM'S SOLDIERS OF 10TH MOUNTAIN DIVISION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1217) honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. ESHOO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 594]

AYES—415

Ackerman	Austria	Barton (TX)
Aderholt	Baca	Bean
Adler (NJ)	Bachmann	Becerra
Akin	Bachus	Berkley
Alexander	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Biggert
Arcuri	Bartlett	Bilbray