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 the unfunded 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 property taxpayers. In my State, 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 in 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 responsibilities 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 1985, the General Accounting Office has spent over $30 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 would let them figure out how to implement it. So the increase in title II two years ago, the $1.3 billion increase last year, the $666 million increase this year.

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 to rework our school systems 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. Every State 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 through the start that we were not necessarily updating that 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 been here so many times before. It is 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. G. 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 do not learn or not. Kid graduates that cannot read or their 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 the appropriation of the 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 are not enough. They are not meeting 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 in education 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 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 $200 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. That is not about blinking. That 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 States 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 taking a hit. We are going to put 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. BOEHRNER. 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 going 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 Committee, I do not think that we have increased the Federal share of money in education in our State. And now we have additional money for funding. 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 the Federal Government, 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.

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. BOEHRNER. 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 dollar, it would cost, and it is 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 we can be 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. Now we are going to be asked 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 all across 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 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?

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 in 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 it will apply.

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 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 that 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 1 minute to the gentleman from Kansas (Mr. MOORE) for a response to the preceding statements.

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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.

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 lock on 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 not all kids have had 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.

AMENDMENT OFFERED BY MR. OBEY. Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment offered by the gentleman from Maine (Mr. ALLEN) will be postponed.

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. 2. 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, 2001.

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.

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 pay 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 be 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.

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 may consume.

Chairman, this amendment 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 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 negotiated 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 in it. 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 keep a roof over 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 earning 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 arguments, is say you would 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 prevent employees from earning overtime pay. This is an opportunity to show America where we stand. If you want to attack employees from earning overtime, you have got to pass the law and then go after the employers. Any review of the regulation that would prevent them from earning 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 for many 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 the employee she is.

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 denied 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 heard 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. The Department of Labor is empowered 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 me explain: 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 $8,000 a year to qualify as a white-collar employee and, therefore, prevent them from receiving overtime pay. The proposed changes would allow an employee earning $22,100 a year to receive overtime, and 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 and 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?

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I would urge Members to support the Miller-Obey 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 hasn’t even done 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.

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 30.7 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 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 the system of inconsistent wage and hour laws. It should come as no surprise that the most urgent needs of today’s workforce, not an 80-year-old workforce.

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 now not be required, but what it does not do is it does not let the Secretary grandfather 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. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Ms. DELAUR). 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.

Mr. OBEY. 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 millions of 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. 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 allowed 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 it be weakened.

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 threatening the 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 the question 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 responders in protecting our country from terrorist attack 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? No, that is not 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 1 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 does something 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 the case.

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 of these respondents 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 gentleman 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 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—81 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 professions 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 training 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 Amendment 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 proportionate 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 we continue to support community health centers and minority health professions schools. I am pleased to have worked with the gentleman from Wisconsin (Mr. OBEY) 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
In order to earn that pay, they spend many hours away from their homes and families. The Obery/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 urge my colleagues to support the Obery/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 Obery/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 percent (8 out of 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 proposed changes, workers will have to work even longer hours than they now work—in fact, probably longer hours, without overtime compensation. That’s why the Obery/Miller Amendment ensures that “no” public funds can be used to take away the overtime rights of workers.

It is tough 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 their families are not short-changed by the Bush policies.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Obery-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 occupational health and safety 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 inflational 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 and in most dangerous circumstances. Mr. Speaker, I urge my colleagues to join me in 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 required is 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 children are enrolled. This is much too low. The education of children is not a side-line, waiting to benefit from Head Start. We should make every effort to allow these children to enroll.
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. Under these draft regulations, 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 response to this jobs crisis has been to allow millions of working Americans to remain in poverty by refusing to raise the minimum wage, deny overtime 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 at 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 families and they 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 RO1MH06369, RO1MH05206, RO1DA01396, or RO1MH05871.

The CHAIRMAN pro tempore. Points of order are reserved. Pursuant to the order of the House 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:
Amendment as modified offered by Mr. TOOMEY.

There was no objection.

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to thischievous amendment and hope that we can defeat the amendment.

Mr. Young of Florida. Mr. Chairman, while the gentleman yields to me, I would like to tell the Members that 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, 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 totally agree. I think 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 floor. I greatly appreciate his remarks and would like to dissociate myself with his earlier remarks.

With all due respect to the distinguished chairman and to the peer review process, I think this amendment is relevant to our lives up to the 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. 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 it is not not to fund money that 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 our money on. We should not be spending our money on 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 when does this process?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has the right to close.

Mr. REGULA. 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 this particular grant. This is not new 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 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 research 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 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 is this 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.

Mr. OBEY. I yield to the gentleman from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. 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 and ask me to come 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 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 dictating NIH. I reluctantly oppose this 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. So there is a strange funding 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 quickly is 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 of this place that perhaps we 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 makes a look into these grants or 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 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, if 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: Why do we 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 these 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 someone is doing a study of 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 panda research; 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 denies he has colleagues with the title of the amendment.

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time.

Let me say, we can read the entire amendment. 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. The point 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. It is a study of human development. 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 priorities and bring that to their attention as they review these panel activities.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question was taken; and the Clerk will designate the amendment.

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, subject to subsection (b), the Federal medical assistance percentage under section 1395d(b) of the Social Security Act (42 U.S.C. 1395d(b)) of a State shall be increased by 1 percentage points for each quarter in fiscal year 2004 if the standards developed and methodologies used by 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 under subsection (a) shall—

(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 any increase provided under title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27).
to offer an amendment which tries to prevent children from being knocked
off the health care rolls. It is that sim-
ple. 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 amend-
ment because it proposes to change ex-
ist the following existing law; and, there-
fore, violates clause 2 of rule XXI.

In the amendment proposed by the Senate, carry-
ning a tax or tariff measure shall not be in order if it changes
the existing law. Clause 5(a) of rule XXI states in pertinent part, "An
amendment to a general appropriation bill shall not be in order if it chanes
existing law. Clause 5(a) of rule XXI states in part, "A bill or joint resolu-
tion 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 bill or joint resolution car-
ried by the Senate carrying a tax or tariff measure shall
not be in order during the consider-
ation of a bill or joint resolution re-
ported 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. The
question is on the motion offered by the gentleman
from Wisconsin (Mr. OBEY).

The CHAIRMAN. 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.

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 posted on April 1st.

The vote was taken by electronic de-
vice, and there were—aye 197, noes 224,
not voting 13, as follows:

RECORDED VOTE

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

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 posted on April 1st.

The vote was taken by electronic de-
vice, and there were—aye 197, noes 224,
not voting 13, as follows:

[Roll No. 348]
The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 13, as follows:

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<td>NOES—212</td>
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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 (during the vote). 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. The amendment was 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 ordered.

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] AYSES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
H. Thomas

Alderman
Architect
Austin
Barbour
Bartlett (MD)
The CHAIRMAN. This will be a 5-minute vote.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

ANNOUNCEMENT OF THE CHAIRMAN

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 212, answered "present" 1, not voting 11, as follows:

[Table of votes not transcribed]
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. The previous question is on the passage of the bill.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The vote was taken by electronic device.

The SPEAKER pro tempore. The previous question is on the passage of the bill.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

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

The SPEAKER pro tempore. The previous question is on the passage of the bill.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

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