

Boswell	Goss	McCollum	Sherman	Sweeney	Walsh
Boucher	Graham	McCrery	Sherwood	Tancredo	Wamp
Boyd	Granger	McGovern	Shimkus	Tauscher	Waters
Brady (PA)	Graves	McHugh	Shows	Tauzin	Watkins (OK)
Brady (TX)	Green (WI)	McInnis	Shuster	Taylor (MS)	Watson (CA)
Brown (FL)	Greenwood	McIntyre	Simmons	Taylor (NC)	Watt (NC)
Brown (OH)	Grucci	McKeon	Simpson	Terry	Watts (OK)
Brown (SC)	Gutierrez	McKinney	Skeen	Thomas	Waxman
Bryant	Gutknecht	McNulty	Skeltan	Thompson (CA)	Weiner
Burr	Hall (TX)	Meehan	Slaughter	Thompson (MS)	Weldon (FL)
Burton	Hansen	Meek (FL)	Smith (MI)	Thornberry	Weldon (PA)
Buyer	Harman	Meeks (NY)	Smith (NJ)	Thune	Weller
Calvert	Hart	Menendez	Smith (TX)	Thurman	Wexler
Camp	Hastings (WA)	Mica	Smith (WA)	Tiahrt	Whitfield
Cannon	Hayes	Millender-	Snyder	Tiberi	Wicker
Cantor	Hayworth	McDonald	Solis	Toomey	Wilson (NM)
Capito	Hefley	Miller, Dan	Souder	Towns	Wilson (SC)
Capps	Herger	Miller, Gary	Spratt	Turner	Wolf
Capuano	Hill	Miller, Jeff	Stark	Udall (CO)	Woolsey
Cardin	Hilliard	Mollohan	Stearns	Udall (NM)	Wu
Carson (IN)	Hinchee	Moore	Stenholm	Upton	Wynn
Carson (OK)	Hinojosa	Moran (KS)	Strickland	Velazquez	Young (AK)
Castle	Hobson	Moran (VA)	Stupak	Visclosky	Young (FL)
Chabot	Hoeffel	Morella	Sullivan	Vitter	
Chambliss	Hoekstra	Murtha	Sununu	Walden	
Clay	Holden	Myrick			
Clayton	Holt	Nadler			
Clyburn	Honda	Napolitano	DeFazio	Nussle	Paul
Coble	Hooley	Neal	McDermott	Oberstar	
Collins	Horn	Nethercutt	Miller, George	Owens	
Combest	Hostettler	Ney			
Condit	Houghton	Northup			
Conyers	Hoyer	Norwood	Baker	Fattah	Mascara
Costello	Hulshof	Obey	Boehlert	Green (TX)	Roukema
Cox	Hunter	Olver	Bonior	Hastings (FL)	Schrock
Coyne	Hyde	Ortiz	Callahan	Hilleary	Stump
Cramer	Inslee	Osborne	Clement	Lampson	Tanner
Crane	Isakson	Ose	Cooksey	Larsen (WA)	Tierney
Crenshaw	Israel	Otter	Deal	Lewis (CA)	
Crowley	Issa	Oxley			
Cubin	Istook	Pallone			
Culberson	Jackson (IL)	Pascarell			
Cummins	Jackson-Lee	Pastor			
Cunningham	(TX)	Payne			
Davis (CA)	Jefferson	Pelosi			
Davis (FL)	Jenkins	Pence			
Davis (IL)	John	Peterson (MN)			
Davis, Jo Ann	Johnson (CT)	Peterson (PA)			
Davis, Tom	Johnson (IL)	Petri			
DeGette	Johnson, E. B.	Phelps			
Delahunt	Johnson, Sam	Pickering			
DeLauro	Jones (NC)	Pitts			
DeLay	Jones (OH)	Platts			
DeMint	Kanjorski	Pombo			
Deutsch	Kaptur	Pomeroy			
Diaz-Balart	Keller	Portman			
Dicks	Kelly	Price (NC)			
Dingell	Kennedy (MN)	Pryce (OH)			
Doggett	Kennedy (RI)	Putnam			
Dooley	Kerns	Quinn			
Doolittle	Kildee	Radanovich			
Doyle	Kilpatrick	Rahall			
Dreier	Kind (WI)	Ramstad			
Duncan	King (NY)	Rangel			
Dunn	Kingston	Regula			
Edwards	Kirk	Rehberg			
Ehlers	Klecza	Reyes			
Ehrlich	Knollenberg	Reynolds			
Emerson	Kolbe	Riley			
Engel	Kucinich	Rivers			
English	LaFalce	Rodriguez			
Eshoo	LaHood	Roemer			
Etheridge	Langevin	Rogers (KY)			
Evans	Lantos	Rogers (MI)			
Everett	Larson (CT)	Rohrabacher			
Farr	Latham	Ros-Lehtinen			
Ferguson	LaTourette	Ross			
Filner	Leach	Rothman			
Flake	Lee	Roybal-Allard			
Fletcher	Levin	Royce			
Foley	Lewis (GA)	Rush			
Forbes	Lewis (KY)	Ryan (WI)			
Ford	Linder	Ryun (KS)			
Fossella	Lipinski	Sabo			
Frank	LoBiondo	Sanchez			
Frelinghuysen	Lofgren	Sanders			
Frost	Lowey	Sandlin			
Gallegly	Lucas (KY)	Sawyer			
Ganske	Lucas (OK)	Saxton			
Gekas	Luther	Schaffer			
Gephardt	Lynch	Schakowsky			
Gibbons	Maloney (CT)	Schiff			
Gilchrest	Maloney (NY)	Scott			
Gillmor	Manzullo	Sensenbrenner			
Gilman	Markey	Serrano			
Gonzalez	Matheson	Sessions			
Goode	Matsui	Shadegg			
Goodlatte	McCarthy (MO)	Shaw			
Gordon	McCarthy (NY)	Shays			

NAYS—7

NOT VOTING—20

□ 1320

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.

PRIVILEGES OF THE HOUSE— SENSE OF HOUSE THAT CON- GRESS SHOULD COMPLETE AC- TION ON H.R. 854 OR OTHER PRO- VIDER REIMBURSEMENT LEGIS- LATION

Mr. FARR of California. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas President George W. Bush has urged Congress to put Medicare on a “sustainable financial footing” in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation’s public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals,

further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately \$700 million in FY 2002 and will be reduced further by about \$900 million in FY 2003, thus severely restricting public hospitals’ ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. FARR of California. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are “those affecting the rights, reputation, and conduct of, Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.”

The rights, reputation and conduct of this Member are negatively affected when the House cannot move legislation that the American people overwhelmingly support. That is true when it comes to full funding for education, for prescription drug, HMO reform and economic recovery.

I, like others, represent 700,000 people. My rights and those of my constituents are being denied when urgent legislation that has majority support is blocked from consideration simply because the Republican leadership will not schedule the bill.

As a result, I believe this resolution meets the test of privilege.

While the health care safety net is under particular strain, general health care providers, hospitals, doctors and home health care agencies are facing disastrous financial circumstances.

The Disproportionate Share Hospitals, also known as DSH hospitals, cuts first enacted in the Balanced Budget Act of 1997 were initially postponed, but now are scheduled to go back into force, creating a health care havoc for hospitals across this Nation. In California alone, the DSH cuts total \$184 million and will grow exponentially if we do not act to correct this situation. The hospital system in California, nor in any other State, can absorb this level of funding reduction. We have to act now.

Other provider reimbursement programs are facing similar financial catastrophe. Physician reimbursements were reduced by 5.4 percent in January of this year and are scheduled to decline by another 17 percent by the year

2005. Just 2 days ago, a 10 percent reduction in nursing reimbursements to nursing homes and skilled nursing home facilities was implemented. How are these critical facilities supposed to cope? How will their patients fare unless Congress addresses a reasonable level of care?

States and localities that operate hospitals and health clinics to treat the indigent and low-income populations rely on Medicaid revenues to help cover their costs. Low provider rates compound the effects of other losses that these facilities will be experiencing this year, including the dramatic drop in Federal revenues from the DSH cliff and reductions in State support, and reductions in the State support because of the implications at the State level.

I urge this body not to recess unless we can correct the problem and make sure that basic health care providers, our public hospitals and doctor networks, have the funds they need to give care when and where it is needed. It is our duty as the legislative branch of government not to abandon these responsibilities. We must do this, and we have to do it now.

I ask for support of my resolution.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from California constitutes a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from California expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a specific health care bill or other similar legislation and to ensure that health care providers are adequately funded.

As the Chair ruled yesterday, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The Chair would further add that the Chair understands the gentleman from California purported to invoke a question of the privileges of the House rather than a question of personal privilege.

Accordingly, the resolution offered by the gentleman from California does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Mr. FARR of California. Mr. Speaker, I appeal the ruling of the Chair, and I ask to be heard on the appeal.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Missouri (Mr. HULSHOF) to lay on the table the appeal of the ruling of the Chair.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 192, not voting 34, as follows:

[Roll No. 440]

YEAS—206

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering

Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancred
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen

Andrews
Baca
Baird

Baldacci
Baldwin
Barrett

Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey

Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loifgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar

NOT VOTING—34

Baker
Barcia
Callahan
Clement
Cooksey
Cox
Deal
DeGette
Fattah
Ganske
Green (TX)
Gutknecht

Hastings (FL)
Hefley
Hilleary
Hoekstra
Keller
Klecza
LaFalce
Lampson
Lewis (CA)
Linder
Maloney (CT)
Mascara

□ 1356

Ms. SOLIS and Mr. RAHALL changed their vote from “yea” to “nay.”

Mr. SMITH of Michigan changed his vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 448.