

Boswell	Goss	McCollum	Sherman	Sweeney	Walsh
Boucher	Graham	McCrary	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	Skelton	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	
Capuano	Hill	Miller, Jeff	Stark	Udall (CO)	Wolf
Cardin	Hilliard	Mollohan	Stearns	Udall (NM)	Woolsey
Carson (IN)	Hinchey	Moore	Stenholm	Upton	Wu
Carson (OK)	Hinojosa	Moran (KS)	Strickland	Velazquez	Wynn
Castle	Hobson	Moran (VA)	Stupak	Visclosky	Young (AK)
Chabot	Hoefel	Morella	Sullivan	Vitter	Young (FL)
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			
Costello	Hulshof	Obey			
Cox	Hunter	Olver			
Coyne	Hyde	Ortiz			
Cramer	Inslee	Osborne			
Crane	Isakson	Ose			
Crenshaw	Israel	Otter			
Crowley	Issa	Oxley			
Cubin	Istook	Pallone			
Culberson	Jackson (IL)	Pascarella			
Cummings	Jackson-Lee (TX)	Pastor			
Cunningham	Jefferson	Payne			
Davis (CA)	Jenkins	Pelosi			
Davis (FL)	John	Pence			
Davis (IL)	Johnson (CT)	Peterson (MN)			
Davis, Jo Ann	Johnson (IL)	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	Kleczka	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	Royal-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			

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

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 CONGRESS SHOULD COMPLETE ACTION ON H.R. 854 OR OTHER PROVIDER REIMBURSEMENT LEGISLATION

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,

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	Goss	Pitts	Becerra
Akin	Graham	Platts	Hinojosa
Armeny	Granger	Pombo	Obey
Bachus	Graves	Portman	Bentsen
Ballenger	Green (WI)	Pryce (OH)	Berkley
Barr	Greenwood	Putnam	Berman
Bartlett	Grucci	Quinn	Berry
Barton	Hansen	Radanovich	Bishop
Bass	Hart	Ramstad	Blagojevich
Bereuter	Hastert	Regula	Blumenauer
Biggert	Hastings (WA)	Rehberg	Bonior
Bilirakis	Hayes	Reynolds	Borski
Blunt	Hayworth	Riley	Boswell
Boehlert	Herger	Rogers (KY)	Boucher
Boehner	Hobson	Rogers (MI)	Boyd
Bonilla	Horn	Rohrabacher	Brady (PA)
Bono	Hostettler	Ros-Lehtinen	Brown (FL)
Boozman	Houghton	Royce	Brown (OH)
Brady (TX)	Hulshof	Ryan (WI)	Capps
Brown (SC)	Hunter	Ryun (KS)	Capuano
Bryant	Hyde	Saxton	Cardin
Burr	Isakson	Schaffer	Carson (IN)
Burton	Issa	Sensenbrenner	Carson (OK)
Buyer	Istook	Sessions	Coley
Calvert	Jenkins	Shadegg	Conyers
Camp	Johnson (CT)	Shaw	Costello
Cannon	Johnson (IL)	Shays	Coyne
Cantor	Johnson, Sam	Sherwood	Cramer
Capito	Jones (NC)	Shimkus	Crowley
Castle	Kelly	Shuster	Cummings
Chabot	Kennedy (MN)	Simmons	Cuellar
Chambliss	Kerns	Simpson	Dingell
Coble	King (NY)	Skeen	Dobson
Collins	Kingston	Smith (MI)	Dooley
Combest	Kirk	Smith (NJ)	Doyle
Crane	Knollenberg	Smith (TX)	Edwards
Crenshaw	Kolbe	Souder	Engel
Cubin	LaHood	Stearns	Eshoo
Culberson	Latham	Sullivan	Farr
Cunningham	LaTourette	Sununu	Feldman
Davis, Jo Ann	Leach	Sweeney	Ferraro
Davis, Tom	Lewis (KY)	Tancredo	Fitzgerald
DeLay	LoBiondo	Tauzin	Fleming
DeMint	Lucas (OK)	Taylor (NC)	Florio
Diaz-Balart	Manzullo	Terry	Franks
Doolittle	McCrary	Thomas	Garcia
Dreier	McHugh	Thornberry	Gephardt
Duncan	McKeon	Thune	Gonzalez
Dunn	Mica	Tiahrt	Gordon
Ehlers	Miller, Dan	Tiberi	Green
Ehrlich	Miller, Gary	Toomey	Gutierrez
Emerson	Miller, Jeff	Upton	Hall (TX)
English	Moran (KS)	Vitter	Harman
Everett	Morella	Walde	Hill
Ferguson	Myrick	Walsh	Hilliard
Flake	Nethercutt	Wamp	Hinchey
Fletcher	Ney	Watkins (OK)	Hoyer
Foley	Northup	Watts (OK)	Inslee
Forbes	Norwood	Weldon (FL)	Israel
Fossella	Nussle	Weldon (PA)	Jackson (IL)
Frelinghuysen	Osborne	Weller	Jackson-Lee
Gallegly	Ose	Whitfield	Jefferson
Gekas	Otter	Wicker	Jefferson
Gibbons	Oxley	Wilson (NM)	Jefferson
Gilchrest	Paul	Wilson (SC)	Jefferson
Gillmor	Pence	Wolf	Jefferson
Gilman	Peterson (PA)	Young (AK)	Jefferson
Goode	Petri	Young (FL)	Jefferson
Goodlatte	Pickering		Jefferson

NAYS—192

Abercrombie	Andrews	Baldacci
Ackerman	Baca	Baldwin
Allen	Baird	Barrett

Becerra	Hinojosa	Obey
Bentsen	Hoefel	Olver
Berkley	Holden	Ortiz
Berman	Holt	Owens
Berry	Honda	Pallone
Bishop	Hooley	Pascarella
Blagojevich	Hoyer	Pastor
Blumenauer	Inslee	Payne
Bonior	Israel	Pelosi
Borski	Jackson (IL)	Peterson (MN)
Boswell	Jackson-Lee	Price (NC)
Boucher	(TX)	Pomeroy
Boyd	Jefferson	Rahall
Brady (PA)	John	Rangel
Brown (FL)	Johnson, E. B.	Reyes
Brown (OH)	Jones (OH)	Rivers
Capps	Kanjorski	Rodriguez
Capuano	Kaptur	Roemer
Cardin	Kennedy (RI)	Ross
Carson (IN)	Kildee	Sandlin
Carson (OK)	Kilpatrick	Schakowsky
Coley	Kind (WI)	Schiff
Conyers	Kucinich	Scott
Costello	Langevin	Serrano
Coyne	Lantos	Sanchez
Cramer	Larsen (WA)	Sanders
Crowley	Larsen (WA)	Sandlin
Cummings	Larsen (WA)	Schakowsky
Cuellar	Lofgren	Sherman
Dingell	Lowey	Shows
Dobson	Lucas (KY)	Skelton
Dooley	Luther	Smith (WA)
Doyle	Lynch	Snyder
Edwards	Maloney (NY)	Solis
Engel	Markey	Spratt
Eshoo	Matheson	Stark
Farr	McCarthy (MO)	Stenholm
Feldman	McCarthy (NY)	Strickland
Ferraro	McNulty	Tauscher
Fitzgerald	McNulty	Taylor (MS)
Fleming	Meek (FL)	Thompson (CA)
Frank	Meeks (NY)	Thompson (MS)
Frost	Udall (CO)	Thompson (CA)
Garcia	Menendez	Udall (NM)
Gordon	Millender	Velazquez
Gonzalez	McDonald	Visclosky
Gordon	Miller, George	Waterson (CA)
Gordon	Mollohan	Watson (CA)
Gordon	Moore	Watt (NC)
Gordon	Moran (VA)	Waxman
Gordon	Murtha	Weiner
Gordon	Nadler	Wexler
Gordon	Napolitano	Woolsey
Gordon	Neal	Wu
Gordon	Oberstar	Wynn

NOT VOTING—34

Baker	Hastings (FL)	McInnis
Barcia	Hefley	McKinney
Callahan	Hilleary	Roukema
Clement	Hoekstra	Sawyer
Cooksey	Keller	Schrock
Cox	Kleckza	Slaughter
Deal	LaFalce	Stump
DeGette	Lampson	Stupak
Fattah	Lewis (CA)	Tanner
Ganske	Linder	Towns
Green (TX)	Maloney (CT)	Mascara
Gutknecht		

□ 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.