

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
Tancredo
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.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

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

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of \$1.2 billion, and has instead proposed only \$521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member of the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of \$1.2 billion for Amtrak.

□ 1400

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear briefly from the gentlewoman from Indiana as to whether the resolution constitutes a question of privileges of the House under rule IX.

Ms. CARSON of Indiana. Mr. Speaker, article 1, section 9, of the Constitution states that no money shall be drawn from the Treasury but in consequence of appropriations made by law. It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of the 13 appropriations measures have been considered. Mr. Speaker, this inaction has hampered this body's constitutional duty and called into question its integrity.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 transportation appropriations bill in its funding for Amtrak. This inaction has hampered this body's constitutional duty. After the events of September 11, our Nation's air transportation system ground to a halt. After the Federal Aviation Administration grounded all flights following the terrorist attacks, travelers turned to Amtrak. Whether people had to travel for business, to help with rescue efforts or just to get home, Amtrak kept Americans moving during a time of national emergency. Amtrak ridership and revenues skyrocketed, led by the Northeast Corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001. For the system as a whole, revenue rose 8.2 percent and ridership 4.3 percent. The situation not only proved that Amtrak works but that passenger rail is a critical part of our transportation infrastructure.

Despite this, Mr. Speaker, we continue to drastically underfund Amtrak, jeopardizing not only the safety and security of this country but the jobs and the livelihoods of tens of thousands of Americans. We have been told that if Amtrak receives the full \$1.2 billion that both it and the Department of Transportation has recommended it receive, they will be able to begin to revitalize their operations, they will be able to revitalize and build upon the successes they have seen in the Northeast Corridor, they will be able to revitalize and build on rail service to areas of the country currently underserved by rail and, Mr. Speaker, they will be able to revitalize operations at their Beech Grove maintenance facility, which is in my district. They will be able to rehire the 228 employees who were furloughed back in February and rejuvenate a facility that has served this country since 1905. Workers at the plant right now are working 7 days a week to keep the facility running.

The SPEAKER pro tempore. The Chair requests the gentlewoman confine her remarks to the issue of whether the resolution constitutes a question of privileges of the House.

Ms. CARSON of Indiana. Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The United States Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility but our duty and obligation to restate this message in this legislation about the importance of Amtrak.

I believe that we have probably not been in accordance with our constitutional responsibilities concerning appropriations and would argue that their continued inaction on such urgent priorities, as full funding of Amtrak, meets the test for privileged resolutions.

The SPEAKER pro tempore. The Chair is prepared to rule on the ques-

tion of whether the resolution offered by the gentlewoman from Indiana constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentlewoman from Indiana 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 general appropriation bill with regard to prescribed funding for Amtrak.

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

The mere invocation of the general legislative power of the purse provided in the Constitution coupled with a fiscal policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

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

Ms. CARSON of Indiana. Mr. Speaker, I appeal the ruling of the Chair.

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

MOTION TO TABLE OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Michigan (Mr. ROGERS).

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

RECORDED VOTE

Ms. CARSON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 192, not voting 36, as follows:

[Roll No. 441]

AYES—203

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