

Ehrlich
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□ 1717

Messrs. SHUSTER, GRAHAM, BARR of Georgia and ROGERS of Michigan, Mrs. CUBIN, Messrs. EVERETT, REHBERG, BURTON of Indiana, OTTER, OSBORNE, MICA, TERRY, KENNEDY of Minnesota, NORWOOD, GOODLATTE, CHAMBLISS, PUTNAM, PORTMAN, POMBO, LEWIS of Kentucky, SAXTON, TIAHRT, LOBIONDO, SHAW, WILSON of South Carolina and SUNUNU, Ms. ROS-LEHTINEN, and Messrs. WHITFIELD, HOYER, McKEON, MENENDEZ, KERNS, BOOZMAN, THORNBERRY, LEWIS of California, FERGUSON, LAHOOD, YOUNG of Florida and JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. MORAN of Virginia, Mr. STENHOLM, Ms. RIVERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mrs. MYRICK, and Messrs. SPRATT, FOSSELLA, BROWN of South Carolina, CANTOR and EDWARDS changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3156. An Act to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5063, ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on

Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 609 provides us the opportunity to take H.R. 5063, with the Senate amendments, and to consider without intervention of any point of order a motion offered by the chairman of the Committee on Ways and Means or his designee. The motion provides the opportunity for the House to concur in each of the Senate amendments with the amendment that has been printed in the Committee on Rules report accompanying this resolution. The rule also waives all points of order against consideration of the motion to concur in the Senate amendments with amendments, and it provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Finally, Mr. Speaker, H. Res. 609 provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Mr. Speaker, as we prepare to complete the work of the 107th Congress and take H.R. 5063 from the Speaker's table, there are a couple of items of importance that will be inserted in this vehicle that the House will now have the opportunity to support following the adoption of this rule.

First, the amendments provide for a full extension through March 31, 2003, of current funding and program rules in the Temporary Assistance for Needy Families program and the Child Care, Abstinence Education, and Transitional Medical Assistance programs.

In 1996, the creation of the Temporary Assistance for Needy Families program fixed block grants for State designated programs of time-limited and work-conditioned aid to families with children. It also created a mandatory block grant to States for child care for low-income families, funded through fiscal year 2002. While the first continuing resolution passed by the House in September extended these programs through December 31, 2002, the CR passed by the House this week further extended those programs through the date of January 11, 2003.

Unfortunately, in terms of the feasibility of approving funding for these programs through January 11 of next year, it makes much more programmatic sense for us to provide funds to the States on a quarterly basis and therefore extend the funding and program rules through an entire quarter to March 31, 2003.

Second, the amendment extends federally funded temporary unemployment benefits of current recipients and those in high unemployment States through January of 2003. In brief, this amendment will extend unemployment benefits for up to an additional 5 weeks per individual by moving the cutoff date to February 1, 2003. I believe that the House and Senate will eagerly support this provision that provides supplementary weeks of employment benefits to over 800,000 persons across the United States.

Mr. Speaker, I urge adoption of the rule and the subsequent motion to be offered by the chairman of the Committee on Ways and Means.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I had hoped to come to the well today to congratulate my colleagues for crafting a measure in the nick of time that addressed the real need in the communities. But like the vast majority of the legislation emerging from the 107th Congress, this is a pitiful stopgap measure that in the end will benefit far fewer than the rhetoric from the other side of the aisle suggests. I wish the unemployed had the lobbying might of the credit card companies who are enjoying the consideration of a last minute bankruptcy bill that will hammer our most vulnerable constituents, or even the insurance companies at the moment being blessed with a last minute measure to absolve them of liability in the event of future attacks, but the unemployed do not have the attention of the majority party and we do not believe they ever will.

The measure before us today is woefully inadequate when it comes to addressing the needs of our Nation's unemployed workers. I would note that these are newly unemployed workers, those that have paid into the system in the event of an economic slowdown. Mr. Speaker, the economy has not hit a soft patch. It is in a recession. Moreover, the money these workers paid into the system is there. They are workers who paid into the system when times were good and are now in need when the economy is rough. Why put obstacles in front of working families that need this aid? Indeed, most of our constituents will not qualify for an additional 13 weeks of benefits in this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to turn off their cell phones.

Ms. SLAUGHTER. In my district close to 60,000 people remain unemployed due to a slowing economy. This measure will do little or nothing to alleviate the suffering of these families, and these statistics do not include the news this week that Eastman Kodak will cut 650 more jobs in my district or that Frontier Telephone will cut an additional 100 from its ranks almost immediately, before Thanksgiving Day.

In New York since the enactment of temporary Federal legislation in March of this year, the unemployed workers have been able to qualify for federally funded benefits which in New York can last up to 13 weeks, but this program is proving wildly inadequate for New York. Exceptionally large numbers of workers are running out of Federal benefits before they find new employment. The severity of the exhaustion problem reflects the State's shaky labor market, and I wish I could say that New York was alone, but my colleagues know better. The measure before us not only fails to make necessary improvements to the program, it fails even to extend the program in its current form. In the vast majority of States, it would provide no additional weeks of federally funded unemployment benefits to the workers who have already exhausted their regular, State unemployment benefits and cannot find work.

Under this proposal large groups of unemployed workers who will need additional weeks of unemployment benefits before job growth picks up would go without any further assistance. Between now and the end of January, an estimated 1.8 million jobless workers in need of assistance would fail to receive it under the majority plan.

This body could do much better. My colleague from New York (Mr. RANGEL) introduced legislation H.R. 5491 that would extend temporary Federal unemployment assistance for an additional 6 months through June 30, 2003. This measure would ensure that workers in every State are eligible for 26 weeks of extended unemployment benefits, and in States with high unemployment, like New York, workers would receive an additional 7 weeks of benefits. But it goes without saying that the measure before us today cannot be amended, and any meaningful consideration of the measure of the gentleman from New York (Mr. RANGEL) would be shut out under this rule.

I need to clarify another point for my colleagues. The House action report today indicates that Texas, New York, and California would be deemed "high unemployment States" under the chairman's bill, but according to the minority Committee on Ways and Means staff, that is not correct. The bill contains no expansion of the definition to allow States other than three, Alaska, Washington, and Oregon, to qualify.

The problem with the current formulation which is fixed in the bill of the gentleman from New York (Mr. RANGEL) is that classification as a high unemployment State is based on the insured unemployment rate, which does not include long-term unemployment.

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Thus, workers who receive the 13-week extension provided for in last year's tax bill, over and above the initial 26 weeks, are dropped from the calculation. So the formula is not a true measure of the unemployment situation in a State. States with long-term unemployment that exhausted their benefits are simply out of luck.

Another provision of this measure represents a case of too little too late. The Medicare/Medicaid reimbursement provision purports to temporarily address the controversy surrounding physician payments, but our Nation's hospitals are left out of the fix. Again, many of my colleagues I suspect are hearing from hospitals about their critical needs, and this measure will not alleviate their struggles.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. Unlike the language in the bill which indemnifies the administration if it chooses to adjust Medicare physician payments, my amendment both protects beneficiaries from the harmful effects of physicians dropping out of the program and guarantees a payment increase for physicians.

Other Medicare providers, including hospitals, home health agencies and nursing homes that provide essential services to seniors and the disabled would be helped. The amendment ensures that all these providers have the resources needed to continue caring for their beneficiaries. This is about a bipartisan initiative which includes the House Republican provider package from earlier this year.

Mr. Speaker, I urge a "no" vote on the previous question so we can offer this important amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I had hoped that with the overwhelming Republican victory in the House and Senate and a Republican President, that this would be an ideal time to see whether or not we can at least ease the need for the partisanship we had had in the past and to see whether or not we could get some basic things done for the country and plan better for the future of how we are going to work in the Congress.

I guess the major thing that we have to do is just talk with each other and

maybe not go through the process of having hearings and going to the committees and all of that formality, but at least to be able to alert people as to how you would like to close out this Congress.

So we are adding to the Military Tax Fairness Act, that no one could be against except communists, some pretty good measures. One is to give some relief to our stopgap extension for the funding of welfare. It is small. We do not know where we are going or what we are going to do, but there is no sense letting the poor folks suffer for our confusion, so moving on that at a later date makes a lot of sense since you could not complete it this year.

The unemployment benefit extension to me only gives relief to three States, Oregon, Washington and Arkansas, and does not come anywhere near acting as though we are addressing the ever-increasing unemployment, especially in my State; and I wish we would have done something with that.

I guess the major hurdle that we have to overcome, and one of the reasons why I am opposing the rule, is because no one has explained the creativity of how we are going to give assistance to Medicare physicians. I assume that Republicans on the Committee on Rules already know what this means; and just maybe, just maybe, they might explain how we can pay Medicare doctors and forget all of the other providers.

Now, it was explained to me that we do not have the money to pay anybody else and that the administration would pay the Medicare doctors, and if they did pay the Medicare doctors, that this would say that the administration cannot be sued. Now, I know some smart people are trying to figure this out.

First of all, I do not know who is going to sue the administration; but if you are giving them some type of amnesty for paying the Medicare doctors, then the same legal creative mind that is going to spare the administration for doing the right thing for paying the doctors should have them do the right thing to pay for Medicare, and we will not sue them; to pay for the nursing homes, and we will not sue them; to pay for the teaching hospitals, and we will not sue them.

So I do not know where we are going with this. But I would hate in the last few hours of this Congress to end up providing a fig leaf for the administration, when we know they are not thinking about doing anything illegal. So if they can do this without the Congress, let them do it and take care of the needs of the other people, because our hospitals are suffering; and I just do not know why we are rifle-shooting the Medicare physicians and just ignoring the health maintenance organizations and their needs.

So I expect as soon as I sit down that someone might explain this to me, and maybe, just maybe, we might be able on the previous question to change these things so we can leave together,

not as Democrats and Republicans, but as a Congress who could not complete their work on time and is just trying to get something done that we are proud of when we go home.

But I think the best way to do this is to defeat the rule and to come back with something that I really think would make us feel a little more proud of who we are.

I thank the gentlewoman for this opportunity; and I look forward to hearing from the majority, especially now that the chairman of the committee, he has not spoken to me since we have been back, but I would like to take this opportunity to congratulate him and hope we can set a new tone here, and I think just by explaining why we are not suing the administration for just singling out Medicare physicians, when we ought to sue if they ignore the rest of the people that deserve some type of assistance.

Mr. LINDER. Mr. Speaker, the gentleman from New York said he wished somebody could explain it to him. I think somebody will.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I want to thank my friend. This is, as we sometimes have to do at the end of a session, dealing with some mistakes that were made, both intentionally and unintentionally.

As far as the tenor for the welfare renewal, in the continuing resolution the language that was assumed to have fixed the problem provided by the appropriators does not, and what we are doing is making sure that the program at least extends through March.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I have no problem with that.

Mr. THOMAS. Mr. Speaker, reclaiming my time, on the unemployment, as the gentleman well knows, there is a cliff that is going to occur because of the expiration of the unemployment provisions on December 28. We have had debates about how long it should be and in what form it should be. This at least provides those who are getting the unemployment, who are expecting their 13 weeks, to be able to get the 13 weeks.

Mr. RANGEL. Mr. Speaker, if the gentleman will yield further, he did not go nearly far enough, but I could hardly vote against it. The interesting part is going to be this part.

Mr. THOMAS. Mr. Speaker, reclaiming my time, there is no guarantee that the administration will do anything. The difficulty in trying to move at this time those kinds of things that we call provider packages is that what is an appropriate provider package is in the eye of the beholder; and in trying to negotiate what it is that we are

going to do, it is simply an impossibility.

What we are aware of is that in one particular approach, which is the physician reimbursement structure, plugged numbers were put in for 1998 and 1999. They do not accurately reflect the number of cases that physicians were involved with.

It is possible that the administration would change those numbers. There is no guarantee that they would change the numbers, but they are concerned that if they did go in and put actual numbers in place of plugged numbers, someone may entertain a suit to go back into the 1990s or the 1980s and say this number was not an actual number, and we want to sue you to make that change.

So all this provision does is provide legal protection, that if the administration does decide to make an adjustment, that is, use real-world numbers now known rather than the plugged numbers, they would not be subject to lawsuits if they did not make additional changes.

Now, that means that all we are doing is creating an opportunity for the administration to make a decision if they so choose to do so. That does not mean that this in any way adequately addresses the needs of many other providers. But there is no other provider group that the administration could make adjustments from plugged numbers to real numbers, as in this particular case. It requires the investment of money to be addressed to those various groups, be they hospitals, skilled nursing facilities, home health care or others.

This is not about providing money to fix one group's problem versus another; it is to create an atmosphere in which, if the administration chooses to do so, they would be able to do so, and the cost would then be borne by the administration, not by the legislative branch. When we come back then at the beginning of the next Congress, we would address, as we normally do, those provider groups for which we would have to provide the finances to assist them.

So all this does is put in place a legal protection, so that if the administration does choose to adjust those numbers, they would not be required through any kind of a court case to adjust any other number.

Mr. RANGEL. Mr. Speaker, if the gentleman would yield further, I do not doubt the good intent that the gentleman has in providing some moneyless way, some way that we do not have any financial obligation to pay for it, to give relief to the Medicare physicians. But I might suggest that you are opening up Pandora's box with hospitals, nursing homes, Medicaid. I do not know why you would just go to this, just because we have not been able to address the problems of the people that are waiting for help. All of these hospitals are calling Members all over wondering for what reason are we singling out Medicare physi-

cians for what they might call special treatment. If Members are so sophisticated that they are going to say this is an entitlement that is completely in the hands of the administration and it is just a question of which numbers they are going to use, but we are now going to hold them harmless in case they make a mistake, then I really do not think that this is the way that we should go.

I had hoped, and I do hope, that this is the end of the type of procedure that we have that the minority finds out what you are up to when the bill comes out. But maybe we can conclude by taking this off the calendar, seeing what can be worked out and start getting ready to start the new Congress on a different footing. I think some of these things could be adjusted. But it seems like this is a monkey wrench in the whole darn thing.

Mr. THOMAS. Mr. Speaker, reclaiming my time, it sounds to me the gentleman is offering the classic argument of because it is not perfect, it should be opposed. It seems to me that if there is an ability to correct a mistake and that the administration simply wants legal protection to correct that mistake, that we ought to be able to do that.

If the gentleman says others are not being provided for adequately, I would be the first to agree with the gentleman; and that is the first order of business. But no one else can be taken care of unless we go through those weeks and months of negotiations of what a package should look like.

So I would simply say, in returning my time to the gentleman who was kind enough to yield it to me, if in fact using real-world numbers and providing the administration some legal protection from being sued because they did not do something else other than putting in real-world numbers is going to be something that someone opposes, it is amazing the point that we have come to.

If others could be resolved this way, we would be doing others. Just because this particular problem could be resolved and others cannot does not mean that one should be in opposition to resolving this particular problem. We will deal with the others when it is timely and appropriate, because we will have to negotiate and put dollars on the table to solve other providers' problems. This is one in which the administration is merely asking for legal protection, and I think we ought to provide it.

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Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. I would urge a "no" vote on the previous question.

Mr. Speaker, this bill was brought before the Committee on Rules in the

dead of night without any committee consideration. I am on the Committee on Rules, and we in the minority did not have a chance to review the legislative language even before we reported this rule. In fact, there was nobody present in the Committee on Rules last night that could answer any questions about the substance of this bill and, for that matter, the other bills that were brought before our committee. I think that on process alone this bill should be defeated.

Now, the majority claims that this bill will prevent people from losing their welfare benefits, from losing their unemployment compensation, and will allow the administration to fix the reimbursement problem. That is a tall tale if I have ever heard one.

The extension of the unemployment compensation is minimal. Because of the weak language in the bill, the House will have to address these issues again in January. I suppose one could make the argument that this is better than nothing, but not much more than that.

The so-called physicians' reimbursement fix is not a solution. There are problems with Medicare that began with the implementation of the BBA-mandated cuts on October 1, 2002. The majority may claim that this bill allows the majority to fix the physicians' reimbursement deduction, but it does not directly fix it. Nor does it address the cut in reimbursements for home health agencies, nursing homes, hospitals, and individual medical services.

Mr. Speaker, this is a last ditch attempt of the majority to pretend like they are doing something for the American people but, quite frankly, the American people deserve much more than this.

Now, at the conclusion of debate on this rule, the minority will call for a vote on the previous question. If the previous question is defeated, we will offer an amendment that will include real relief from the BBA-mandated cuts.

This House should not adjourn without providing real Medicare relief, but this bill does not provide that relief.

So I would strongly urge my colleagues to vote "no" on the previous question, defeat the rule, and support real Medicare relief that will benefit all of our seniors.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to remind my colleagues in the House that actually we passed a payer package to address the problems in the home health industry, the nursing home industry, the hospital industry, and the physician industry. We not only passed provider reforms, but we passed reforms that would be effective for 3 years so there would be stability in the medical community and our providers would be able to meet the challenges of this current period of difficulty with greater cer-

tainty. As to Medicare reimbursements in a period when malpractice insurance is rising by leaps and bounds, in a period when nursing costs are rising, when drug costs are rising, when blood costs are rising, it is really important for us to at least guarantee to our providers payment stability, as we did in the provider package that passed this House before the July recess and must do again before many months pass.

It is unfortunate that the other body has been unable to agree on a provider package and is still unable to negotiate on that package. If that were not the case, we would have a package before us here today.

As that is the case, it is extraordinarily important that we pass this clarifying language that merely clarifies current law, protecting against administrative review to the fiscal year calendar charges as well. So this is just a clarification of current law, and we believe that if that is done, the administration will be able to make adjustments as they have in many, many other instances. The fundamental problem is the underestimate of the number of Medicare patients that were going to move to the Medicare+Choice plans. Since not as many moved as were anticipated, those patients continue to see physicians. But we stopped paying the physicians for those patients.

So this is a very simple matter. It gives the administration just the opportunity to evaluate their own formulas and make similar kinds of reviews of them. It does not guarantee anything; it just assures that the current language that has worked in many situations in the past will have the opportunity to work at this time. And, of course, as my colleagues well know, physicians are declining to take additional Medicare patients; they are declining to even convert patients. And if, in fact, physicians do begin to participate, either fewer physicians or the current physicians at a lower level of participation, it will affect access to hospitals for our senior citizens and access to office care.

So it is a very important matter for our big medical centers as well as for our smaller hospitals and for our physicians; in other words, for seniors' access to health care, that we pass this bill this evening. And in addition, of course, it does extend unemployment compensation benefits after December 31, and that alone should be cause for the support of my colleagues. It also makes a more rational extension of TANF and therefore will allow the States to go forward and get their quarterly allocation to maintain a consistent program over the next quarter.

Again, this House passed a TANF reform bill many, many months ago, and if the other body had acted, we would not be in the situation we are in this evening. I urge support of this limited but important legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, I support H.R. 5063 with regard to unemployment extension and the TANF measures, and I agree that we need to address the problem facing our Nation's physicians. But there are other health care providers who are in just as dire straits, hospitals, home health, nursing homes and others.

We have in Tennessee, particularly in the rural areas now, hospitals operating in the red, laying off nurses; we have elderly citizens that cannot get home health care services. What we are trying to do when asking for Members to vote against the previous question is to allow us to bring up a bill, H.R. 5729, that includes the package of provider reimbursements or provider help that the Republicans passed in H.R. 4954 earlier this year and is within the budget. This seems to me to be imminently reasonable and fair to all of the providers across the board. It recognizes that we have a serious problem in the country.

Should we be able to defeat the previous question, we would then be able to insert into this procedure the House-passed bill, H.R. 4954, with the provider package for all health care providers.

I would urge as we debate this that we do that and point out that we in no way are trying to jeopardize the passage of the provisions with regard to unemployment and TANF that are in here and that are necessary, nor the physicians, but to recognize that people other than physicians in the health care delivery industry in this country are in just as dire straits, and it seems to me to be an imminently reasonable thing for us to do.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if we followed the course of action that the gentleman is suggesting, and no one would like to do that more than I; I think we have to address all of these issues; that is what we did in the payer package and that is what we have to do in the beginning of January. But if we follow the course of action the gentleman is suggesting, the Senate simply will not go along and then we will leave this place with nothing done.

The physicians uniquely suffered a 5 percent cut last year, and if there is anything we can do to enable the administration to follow ordinary administrative procedures to prevent an additional cut, we should do it. We do not know this will work, but we do know, because we have been trying, that the Senate will not agree to a package and we have not been able to negotiate that package.

So if we follow the gentleman's proposal that we come back with his package to recommit, they will just not accept it, and we will be nowhere. That is

what has happened ever since July. Since July, we are nowhere, even though we did our part. We passed a payer package. If they had sent anything over, if they had sent the merest dribble over, we would be able to negotiate a package. I am sorry to have taken the gentleman's time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, in Iowa, the pediatricians, the obstetricians, the family practitioners rank 47th, 48th and 50th in terms of reimbursement for Medicare. With the cuts in physician payments, many of them are making decisions not to accept any new Medicare patients, and many are actually making decisions to drop out of Medicare.

This comes about because there was a faulty formula for a couple of years, and what we are dealing with now is the opportunity to at least allow the administration to look at this. This does not mean that other providers will not be taken care of in a package. But we tried to put together a balanced package earlier in the year when we were dealing with prescription drugs, and we just did not get it done in the other body in order to go to a conference to work it out.

Just because we cannot do everything, as has already been stated, does not mean we should not do something or at least allow the administration the opportunity to do that. This is not unique to Iowa. We are seeing this in many, many other places around the country. This is a result of a flawed formula, and it would be my plea to my colleagues on both sides of the aisle to allow this minimal provision to simply prevent a lawsuit from occurring from a disaffected other provider group.

I would make an argument that if the administration would do something on this, that it would actually be to the benefit of the other provider groups early next year, because it actually removes one of the players from the table and, I think, then increases the bounty on that table for the other providers. This is a rather unique situation and I would ask my colleagues to support the rule and also the bill.

Finally, since this will be the last time I speak on this floor, I just want to thank my colleagues from both sides of the aisle. I have made a lot of friendships here in the House and I will treasure them forever.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I want to make it very clear that I support the bill before us today, but I urge opposition to the previous question for the reasons of which the gentleman from Tennessee amplified on a moment ago.

The frustration that many of us have felt over the last 6 months, as the gentlewoman spoke of a moment ago about the Senate, the time is limited

now in which this body can blame the other body for not acting. Unfortunately, the bill before us is not going to get acted on either and yet we are going to set up one last time in which we are going to have the blame game in which we can point to somebody else for us not doing our work.

If the previous question is voted down, then we can take care of nursing homes, hospitals, home health care, and other health care providers exactly like the majority side said we should do it that was included within the budget this year. Nothing changes regarding what was passed in the House if we vote down the previous question.

□ 1800

All of the good things in this bill, all of the other things are in. It has just as good a chance of passing as the simplified, watered-down bill we have tonight.

It is unfortunate we have gotten ourselves into this position; but we have, for all the reasons, many of which were very successful politically. But that does not help the rural hospitals in my district. That does not help the one-third of the nursing homes in the State of Texas that are now in bankruptcy, and another one-fourth that are hanging on bankruptcy if we do not act, and act sooner, not later.

Excuses and finger-pointing are not going to get the job done. All we encourage is a vote against the previous question so we can send the package to the Senate, to the other body, that will do exactly what the majority wanted to do and a lot of folks on this side of the aisle also wanted to get done.

But Members should not deceive themselves that they are going to accomplish this with a finger-pointing exercise today. I encourage a vote against the previous question, allow the Tanner amendment to then come immediately back with everything, and then let us see whose fault it might be.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, it is really nice that we can end this session with one more act from the Republican economic follies. I mean, this is the craziest piece of legislation I have ever seen, and this rule is an amazingly stupid rule.

They bring a bill out here for equity for the veterans, right? Oh, well, now we are here, let us throw a little something on for the doctors. While we are here, let us throw a little something on for unemployment.

We had extended hearings on this issue. Our committee went over and over again and heard about all the problems. Like heck we did; there were no hearings. They come out here with Band-Aids again, and everybody on this floor knows this bill is going to die. This is nonsense. It is not going to go over to the Senate and be accepted.

But as my dear friend, the gentleman from Texas, said, they want to play the blame game.

Now, unemployment is a serious issue. What they are doing in this bill is not going to fix the unemployment problem. I will give chapter and verse when we get on the substance. But the fact that they will not allow us to put any kind of amendments up here is the reason why this bill is no good, and it is what they have been doing for a whole year.

They have known that the doctors were being taken around the corner and beaten up for 5 percent. They have known that for 9 months. They are not smart enough to put together something with the other side to get it through. Now here they are at the last day and saying, well, Thanksgiving is coming, Christmas is coming, send them another package; but they are not putting any stamps on it. It is never going to get through this place.

That has got to stop. These are issues that affect Democrats and Republicans; it is not partisan. Doctors, rural hospitals are Democrat and they are Republican. As long as they try and fix the problem by coming out here and slapping one, two, three Band-Aids on to fix what they should have done, it will not work.

The unemployment bill was badly written in the first place, and we begged them to come and do something about it. What do they do? Extend it for another 5 weeks. They say, well, another 5 weeks. The long-term unemployment in this country is going up dramatically. We ought to vote this rule down and write a decent one.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say that is one of the gentleman's more interesting bits of prose. I suppose there is a kernel of thought lurking in it, but I did not detect it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFazio).

Mr. DEFazio. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, the Republican leadership has taken care of their colleagues in the Congress. There is going to be a tidy COLA made available to Members of Congress that will far exceed 6 months' worth of unemployment benefits for most Americans. In this bill, all they could find room for was a 5-week extension.

I have to admit, coming from the State of Oregon, with the second-highest unemployment rate in the Nation, with 2,500 people a week exhausting their benefits, that that is better than nothing. Those families now know that through Christmas and the holidays they will not be totally cut off. However, it creates an incredible amount of uncertainty for those families come the end of January.

We cannot do better than that? We can give ourselves a COLA for 12 months that far exceeds any benefits they can ever expect under unemployment, but somehow we cannot give them the certainty of another 26 weeks? I do not understand that. I really do not understand that position in this House. Why are we so stingy when it comes to working people, and so generous when it comes to insurance companies and the pharmaceutical industry? It might have something to do with who funds our campaigns.

This provision of this bill is essential, but it is nowhere near enough. Congress will be immediately confronted upon returning in early January with the issue of further extending unemployment benefits and, hopefully, adopting an effective economic stimulus package.

We simply need to put America back to work. We have a trade policy that is exporting jobs, and we are being told that trickle-down will help stimulate the economy and put people back to work; but my people are tired of being trickled on. They need Federal investment. We need something that puts them back to work.

We are holding back money from the Highway Trust Fund. That will put people back to work. We cannot get a bill passed to deal with the forest fire projects which could put people back to work in the woods. We do not have time for that, but we do have time for some other special shenanigans around here.

Mr. Speaker, I will support the legislation; but I bemoan the fact that Congress sees fit to take care of itself first, its contributors second, and the working people of America last in a very, very, very cursory way that is only temporary.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. Wu).

Mr. WU. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, thousands and thousands of Oregonians who have worked hard, played by the rules, frequently gotten a good education, and worked hard all their lives are currently without work. Many of them will be losing their unemployment benefits on December 28.

The legislation before us is hardly a perfect piece of legislation, but it will get a lot of folks over the hump until we can come back to this piece of legislation in the new congressional session. I hope that we will be able to do that.

I have legislation before this Chamber, H.R. 5731, which would not only extend the unemployment assistance benefit program, it would also extend the period of time in which any individual could receive assistance. I think that is a very necessary step to take at this point.

There are two kinds of folks, at least, who are hurting out there. I have seen

so many of their faces as I have gone around communities in Oregon and in my town hall meetings. They are people who have exhausted their benefits, their 26 weeks' worth; and they are folks who, without an extension of this program, would not receive any assistance whatsoever. We need to help both groups, and I hope that we are able to come back in the new Congress and address the needs of both groups.

However, tiding one group over through the holidays I believe is a necessary step. I do intend to support the legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I thank her for her leadership in this matter.

Mr. Speaker, I agree, we should fix the physician fee schedule. We tried to fix it. We offered a pretty good one in the bill that was passed in this body earlier this year.

I can tell the Members this, this bill does not go far enough. Rural hospitals, nursing homes, long-term care facilities, and home health agencies are all in trouble in rural America. Our rural health infrastructure is crumbling. We suffer from a lack of nurses, doctors, skilled medical professionals.

We are losing the ability to provide health care to Medicare recipients because the reimbursement rates are so low, not only to the doctors but to the hospitals and the other providers. Rural hospitals in my district are struggling to keep their doors open and at the same time provide health care to our people.

It is time that we face this problem, deal with it in a responsible way, and stop playing the games that are being played like we are doing here tonight. We just passed a bill yesterday that reduces the amount of money that is spent on road construction, which does not make any sense at all. If there is one thing we know that helps the economy, it is constructing highways. It gives us not only immediate jobs, but long-term benefits. We are playing all these games with the American people.

I hope that the people that are supporting this today have to go and face these people that do not have any health care 2 years from now.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the previous question is defeated, and we will call a vote on that, I am going to offer an amendment to the rule. Unlike the language in the bill which indemnifies the administration if it chooses to adjust Medicare physician payments, my amendment both protects beneficiaries from the harmful effects of physicians dropping out of the program, and guarantees a payment increase for the physicians.

Other Medicare providers, including hospitals, home health agencies, and nursing homes also provide essential care to seniors and the disabled. The

amendment ensures that all these providers have the resources needed to continue caring for the beneficiaries. This is a bipartisan initiative which includes the House Republican provider package from earlier this year.

Mr. Speaker, I urge a "no" vote on the previous question so that we can offer this important amendment, and ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will agree that this is not the best we can do, but it is the best we can do at this hour. I would agree that it is perhaps true that the other body may not take it up and pass it, just like they have not passed other things we have passed. This bill going over there unpassed will have lots of company, but it is trying to do the right thing. It is trying to help with unemployment, it is trying to help with TANF, and it is trying to help with reimbursement. It is worth our consideration.

I urge this body to pass the previous question, to pass the rule, and I will support the underlying legislation.

Mrs. CHRISTENSEN. Mr. Speaker, although I have many problems with this bill, including the limited extension of unemployment, as well as the lack of relief for all providers of Medicare, I rise to support the rule and the underlying bill because this short extension is better than nothing, and it is likely all we can get right now.

I also support the bill and the rule because it addresses another very important issue affecting health care for countless Americans. It does what I have always thought was possible anyway, which is to clarify the authority of the Administrator of Center for Medicare and Medicaid Services to reverse the cuts, and hopefully revise the way provider payments for physicians are determined.

This is not a perfect solution, because Congress should have reversed the cut once and for all, but it may also help set a precedent for issues such as this in the future.

There were many measures I hoped would be passed and issues addressed in a lame duck session this year, and reversing the cuts in Medicare provider payments was one of the important ones. Health care providers have borne 4 cuts over the past 10 years and another cut is expected within two years. This is in addition to the fact that the payment schedule, which barely allows doctors to keep their office open, was erroneously determined. This administration and CMS are forcing good doctors and other providers out of practice and denying quality health care to increasing numbers of Americans.

We have a lot more work to do to fix this broken health care system in this country, but because we are leaving to go back home tonight, we cannot do it now.

I hope my friends in the majority will commit themselves to doing more than this band aid fix when we return next year.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution, add the following:

Sec. _____. Notwithstanding any other provision of this resolution, the first amendment printed in the report of the Committee on Rules shall be modified by adding the text of H.R. 5729.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. LINDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 207, nays 198, not voting 26, as follows:

[Roll No. 479]

YEAS—207

Aderholt	Foley	Lewis (CA)
Akin	Forbes	Lewis (KY)
Army	Fossella	Linder
Bachus	Frelinghuysen	LoBiondo
Baker	Gallegly	Lucas (OK)
Ballenger	Ganske	Manzullo
Barr	Gekas	McCrery
Bartlett	Gibbons	McHugh
Barton	Gilchrest	McInnis
Bass	Gillmor	McKeon
Bereuter	Gilman	Mica
Biggart	Goode	Miller, Dan
Bilirakis	Goodlatte	Miller, Gary
Blunt	Goss	Miller, Jeff
Boehlert	Graham	Moran (KS)
Boehner	Granger	Morella
Bonilla	Graves	Myrick
Bono	Green (WI)	Ney
Boozman	Greenwood	Northup
Brady (TX)	Gutknecht	Norwood
Brown (SC)	Hansen	Nussle
Bryant	Hart	Osborne
Burr	Hastings (WA)	Ose
Burton	Hayes	Otter
Buyer	Hayworth	Oxley
Calvert	Hefley	Paul
Camp	Herger	Pence
Cannon	Hilleary	Peterson (PA)
Cantor	Hobson	Petri
Capito	Hoekstra	Pickering
Castle	Horn	Pitts
Chabot	Hostettler	Platts
Chambliss	Hulshof	Pombo
Coble	Hunter	Portman
Collins	Hyde	Pryce (OH)
Cox	Isakson	Putnam
Crane	Issa	Quinn
Crenshaw	Istook	Radanovich
Cubin	Jenkins	Ramstad
Culberson	Johnson (CT)	Regula
Cunningham	Johnson (IL)	Rehberg
Davis, Jo Ann	Johnson, Sam	Reynolds
Davis, Tom	Jones (NC)	Riley
Deal	Keller	Rogers (KY)
DeLay	Kelly	Rogers (MI)
DeMint	Kennedy (MN)	Rohrabacher
Dreier	Kerns	Ros-Lehtinen
Duncan	King (NY)	Royce
Dunn	Kingston	Ryan (WI)
Ehlers	Kirk	Ryun (KS)
Emerson	Knollenberg	Saxton
English	Kolbe	Schaffer
Everett	LaHood	Schrock
Ferguson	Latham	Sessions
Flake	LaTourette	Shadegg
Fletcher	Leach	Shaw

Shays	Sununu
Sherwood	Sweeney
Shimkus	Tancred
Shuster	Tauzin
Simmons	Taylor (NC)
Simpson	Terry
Skeen	Thomas
Smith (MI)	Thornberry
Smith (NJ)	Thune
Smith (TX)	Tiberi
Souder	Upton
Stearns	Vitter
Sullivan	Walden

NAYS—198

Abercrombie	Harman	Obey
Ackerman	Hastings (FL)	Olver
Allen	Hill	Ortiz
Andrews	Hilliard	Owens
Baca	Hinchey	Pallone
Baird	Hinojosa	Pascarell
Baldwin	Hoeffel	Pastor
Barrett	Holden	Payne
Becerra	Holt	Pelosi
Bentsen	Honda	Peterson (MN)
Berkley	Hoyer	Phelps
Berman	Inslee	Pomeroy
Berry	Israel	Price (NC)
Bishop	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee	Rangel
Bonior	(TX)	Reyes
Borski	Jefferson	Rivers
Boswell	John	Rodriguez
Boucher	Johnson, E. B.	Roemer
Brady (PA)	Jones (OH)	Ross
Brown (FL)	Kanjorski	Rothman
Brown (OH)	Kaptur	Roybal-Allard
Capps	Kennedy (RI)	Rush
Capuano	Kildee	Sabo
Cardin	Kilpatrick	Sanchez
Carson (IN)	Kind (WI)	Sandwich
Carson (OK)	Kucinich	Sandlin
Clay	LaFalce	Sawyer
Clayton	Lampson	Schakowsky
Clement	Langevin	Schiff
Clyburn	Lantos	Schiff
Conyers	Larsen (WA)	Scott
Costello	Larson (CT)	Serrano
Coyne	Lee	Sherman
Cramer	Levin	Shows
Crowley	Lofgren	Skelton
Cummings	Lowe	Slaughter
Davis (CA)	Lucas (KY)	Smith (WA)
Davis (FL)	Luther	Snyder
Davis (IL)	Solis	Spratt
DeFazio	Lynch	Stark
DeGette	Maloney (CT)	Stenholm
DeLauro	Maloney (NY)	Strickland
Deutsch	Mascara	Stupak
Dicks	Matheson	Tanner
Dingell	Matsui	Tauscher
Doggett	McCarthy (MO)	Taylor (MS)
Dooley	McCarthy (NY)	Thompson (CA)
Doyle	McCollum	Thompson (MS)
Edwards	McDermott	Thurman
Engel	McGovern	Tierney
Eshoo	McIntyre	Towns
Etheridge	McNulty	Turner
Evans	Meehan	Udall (CO)
Farr	Meek (FL)	Udall (NM)
Fattah	Meeks (NY)	Velazquez
Filner	Menendez	Visclosky
Ford	Millender-McDonald	Waters
Frank	Miller, George	Watson (CA)
Frost	Mollohan	Watt (NC)
Gephardt	Moore	Waxman
Gonzalez	Moran (VA)	Weiner
Gordon	Murtha	Wexler
Green (TX)	Nadler	Woolsey
Gutierrez	Napolitano	Wu
Hall (TX)	Neal	Wynn

NOT VOTING—26

Baldacci	Doolittle	Nethercutt
Barcia	Ehrlich	Oberstar
Blagojevich	Grucci	Roukema
Boyd	Hooley	Sensenbrenner
Callahan	Houghton	Stump
Combest	Kleczka	Tiahrt
Condit	Lewis (GA)	Toomey
Cooksey	Lipinski	Weldon (PA)
Diaz-Balart	McKinney	

□ 1841

Messrs. OWENS, RODRIQUEZ, MEEKS of New York, JEFFERSON,

and DELAHUNT changed their vote from “yea” to “nay.”

Mr. NUSSLE changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 245, noes 137, not voting 49, as follows:

[Roll No. 480]

AYES—245

Aderholt	Everett	Lewis (CA)
Akin	Ferguson	Lewis (KY)
Andrews	Flake	Linder
Baca	Fletcher	LoBiondo
Bachus	Foley	Lucas (KY)
Ballenger	Forbes	Lucas (OK)
Barr	Fossella	Manzullo
Bartlett	Frelinghuysen	Matheson
Barton	Frost	McCarthy (NY)
Bass	Gallegly	McCrery
Bereuter	Ganske	McHugh
Berkley	Gekas	McIntyre
Berry	Gibbons	McKeon
Biggart	Gilchrest	Menendez
Bilirakis	Gilman	Mica
Bishop	Gonzalez	Miller, Dan
Blunt	Goode	Miller, Jeff
Boehlert	Gordon	Moore
Boehner	Goss	Moran (KS)
Bonilla	Graham	Morella
Bono	Granger	Myrick
Boozman	Graves	Nethercutt
Brady (TX)	Green (WI)	Ney
Brown (FL)	Greenwood	Northup
Brown (SC)	Gutknecht	Ortiz
Bryant	Hall (TX)	Osborne
Burr	Hart	Ose
Burton	Hastings (WA)	Oxley
Buyer	Hayes	Pastor
Calvert	Hayworth	Paul
Camp	Hefley	Pence
Cannon	Hill	Peterson (PA)
Cantor	Hilleary	Petri
Capito	Hobson	Phelps
Cardin	Hoekstra	Pickering
Castle	Holden	Pitts
Chabot	Holt	Platts
Chambliss	Horn	Pombo
Coble	Hoyer	Pomeroy
Collins	Hulshof	Portman
Cox	Hunter	Pryce (OH)
Crane	Hyde	Putnam
Crenshaw	Isakson	Quinn
Cubin	Israel	Rahall
Culberson	Issa	Ramstad
Cunningham	Istook	Regula
Davis, Jo Ann	Jackson-Lee	Rehberg
Davis, Tom	(TX)	Reyes
Deal	Jefferson	Reynolds
DeFazio	Jenkins	Riley
DeLay	John	Rodriguez
DeMint	Johnson (CT)	Rogers (KY)
Dicks	Johnson (IL)	Rogers (MI)
Dingell	Johnson, Sam	Rohrabacher
Dooley	Jones (NC)	Ros-Lehtinen
Dreier	Kelly	Ross
Duncan	Kennedy (MN)	Rothman
Dunn	Kerns	Royce
Ehlers	King (NY)	Ryun (KS)
Edwards	Kingston	Saxton
Ehlers	Kirk	Schaffer
Emerson	Knollenberg	Schrock
English	Kolbe	Sessions
Everett	LaHood	Shadegg
Ferguson	Latham	Shaw
Flake	LaTourette	Shays
Fletcher	Leach	Sherwood

Rollcall No. 480 was on passage of H. Res. 609, the "Rule Providing for Consideration of the Armed Forced Tax Fairness Act of 2002." Had I been present I would have voted "yea" on H. Res. 609.

Sec. 352. *Standardized transliteration of names into the Roman alphabet.*