

the one by The Economic Policy Institute report that at least 6 million will lose their overtime rights under this rule. Also, this analysis projects that only 400,000 low-income workers will now qualify for overtime pay. Not the 1.3 million claimed by the Administration.

Yesterday, leadership refused to debate this amendment because several of their colleagues would have voted for this amendment. This only indicates that both Republicans and Democrats know that passing this amendment is the right thing to do.

My home state of Texas has an unemployment rate higher than the national average and that's true for the City of Houston as well. Many of my constituents rely on what they make in overtime pay to keep the lights on in their homes. I think it's time we start thinking about our most important resource in this country: the American Worker, and vote "yes" to this amendment.

Mr. OWENS. Mr. Chairman, I rise in strong support of this amendment to restore overtime pay to millions of hard-working Americans, as proposed by my distinguished colleague from Wisconsin. I ask that my entire statement be printed in the RECORD and request permission to revise and extend my remarks.

Just 3 days ago this Nation celebrated Labor Day, honoring the millions of hard-working Americans we all depend upon to build and repair our homes, fix our cars, install neighborhood street lights, stock supermarket shelves, teach our preschoolers, care for elderly relatives, provide nursing care when we need it, prepare restaurant meals, report the local news, and patrol the streets to keep communities safe. By taking on such jobs, these workers keep America running. Yet these are they very same workers that the Bush Administration has now stripped of any right to overtime pay.

When the Department of Labor's final rule on overtime went into effect on August 23rd, some 6,000,000 American workers lost a right that had been guaranteed for more than 65 years under the Fair Labor Standards Act. That right is simple and straightforward. It guarantees that workers required to work overtime will get paid for those extra hours of work.

This simple right used to ensure that policemen and women, registered nurses, chefs, team leaders on construction sites, assistant managers in fast food restaurants, nursery school teachers, grocery clerks, car mechanics at the local dealership, and countless others were treated fairly. When their employers required them to work overtime, they were paid for that work. That is only fair and fairness used to be the American way.

But the Bush Administration and the Republican leadership in Congress have decided that fairness doesn't apply any more to these American workers. They have come up with a new scheme, which meets Webster's Dictionary definition of servitude. Under Republican management, employers can require these same employees to work as many hours over a standard 40 hour work week as they say, without paying the workers an extra dime.

What makes this Bush and Republican-backed scheme even worse is that it has no expiration date. Under seventeenth and eighteenth century indentured servitude, there was an end in sight. Once you paid off your indentureship, you were free and clear. Under the Bush Administration's final overtime regula-

tions, if you fit the category your employer can continue to require you to work overtime without pay for as far into the future as anyone can see. This kind of exploitation is blatantly un-American.

The amendment of my colleague from Wisconsin would overturn this un-American servitude scheme by rescinding the Bush Administration's harmful changes in overtime eligibility. At the same time, this amendment would require enforcement of the one noncontroversial provision in the final rule. This minor salary adjustment would ensure immediate expansion of overtime coverage.

Again, I strongly support this amendment to restore workers' overtime rights and return us to the 21st century norms of American fairness.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCKEON) having assumed the chair, Mr. THORBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. REGULA. Mr. Speaker, in the interests of expediting the rest of the afternoon and getting people out at a reasonable time, I ask unanimous consent that during further consideration of H.R. 5006 in the Committee of the Whole, pursuant to House Resolution 754, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 2;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 1400

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill was open from page 104, line 1, through page 105, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 3;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

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Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HAYWORTH:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment, and I would ask the gentleman from Ohio if he intends to claim the time in opposition to the amendment. If he does not, then I would like to claim the time.

Mr. REGULA. No, I am not. I am going to support the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

The gentleman from Arizona (Mr. HAYWORTH) is recognized for 15 minutes on his amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in May of 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the National Labor Relations Board seeks to replace that law with its regulatory authority in this area. This decision by the NLRB is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from its jurisdiction. But the National Labor Relations Board incorrectly decided that it should exercise its own jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

There is a basic misunderstanding here, Mr. Chairman. The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenue to support governmental purposes, such as reservation law enforcement and fire services, and programs for the health, education and welfare benefit of tribal members. Consistent with the policy behind the NLRA ex-

emptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage where disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California, that has enacted into its tribal law a tribal labor relations ordinance with greater, let me repeat this, with greater labor union rights than the National Labor Relations Act. In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed, activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was, in fact, working. Now, San Manuel and other tribes have conflicting laws and great uncertainty about which law applies.

I strongly support the tribes in their efforts to protect their sovereign rights. Congress should reaffirm these rights and make clear that tribes are exempt from the NLRA, which was the view of the National Labor Relations Board until this misguided decision was promulgated.

There are certainly sound policy reasons for such a fix. Tribes are sovereign governments that exercise jurisdiction over their own territory. Although some Federal laws compel tribes to deal with other sovereigns, such as States, on a government-to-government basis, this NLRB decision would force tribes to deal with private entities, labor unions, for the first time, contrary to long-established Federal Indian policy.

But until Congress can consider a permanent solution to this problem, this amendment, Mr. Chairman, would have the effect of calling a temporary time out to allow this body to more thoroughly consider a more substantive solution, to avoid additional confusion among the tribes and to limit unnecessary conflict between tribes and labor unions.

Mr. Chairman, this amendment enjoys broad-based support from across the width and breadth of Indian Country. The National Congress of American Indians, the oldest and largest intertribal organization in the United States, and the National Indian Gaming Association strongly support this amendment. The San Manuel Band of Mission Indians, along with many other tribes, also have weighed in with strong support for this amendment.

Mr. Chairman, this is a question of sovereignty. We dare not equivocate nor abdicate the role of Congress in dealing with government-to-government relationships and the sovereignty that tribes enjoy. Accordingly, Mr. Chairman, I would urge all to vote in favor of this amendment because it is a vote that supports sovereignty for Indian nations and a vote for the fundamental rights of the first Americans to

maintain their status of sovereignty and their rights as sovereign governments.

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

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) seek to control the time in opposition?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), ranking member on the subcommittee with jurisdiction.

Mr. KILDEE. Mr. Chairman, as a Member with a lifelong and established record of being an advocate for protecting the sovereign rights of Indian tribes, I rise in opposition to this amendment.

Since first becoming aware of the unfavorable administrative ruling of the National Labor Relations Board that determined it has jurisdiction to regulate the labor practices of on-reservation tribal enterprises under the National Labor Relations Act, I, along with my Democratic colleagues, the gentlewoman from California (Minority Leader PELOSI), the gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and others have been participating in ongoing, sincere discussions between tribal representatives and representatives of labor.

The purpose of these discussions is to work out a permanent legislative solution that honors the principles of tribal sovereignty and Labor's traditional role of collective bargaining.

The amendment offered today by my dear friend, the gentleman from Arizona (Mr. HAYWORTH), undermines the ongoing discussions we have had, because this temporary fix would harm the amicable relationship between the parties involved and would possibly destroy our efforts to seek a permanent legislative solution that is mutually satisfactory to all parties.

I have met with the various parties in my own office. They are in an active discussion trying to seek a permanent solution. I am convinced that this temporary solution will interfere with those negotiations to reach that which the gentleman from Arizona (Mr. HAYWORTH) and I share in common, some solution and some balance to this very important principle embodied in our Constitution of retained sovereignty and collective bargaining.

I am convinced, or I would not be standing here, that we will get a solution satisfactory to both sides on this issue.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have a great deal of respect for my colleague from Michigan, and it is an honor to cochair with my colleague the Native American Caucus in this body, and listening to

his rationale in response, quite candidly, is a bit confusing because on more than one occasion we have stood united on this basic point, that sovereignty is nonnegotiable. Yet the foundation of his argument is that an amicable relationship exists between some in this House and some in organized labor and some in the tribes; and if they only have the time, they can work this out. Mr. Chairman, I find that rationale one that just does not pass muster.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), my friend.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for the time and let me congratulate him on his amendment. I think his amendment is a reasonable solution to a growing problem and deserves our support.

Simply put, it reverses a jurisdictional land grab by the National Labor Relations Board that would reverse 30 years of policy and precedent which held that jobs on reservations are not subject to the Federal labor board's jurisdiction because tribes are sovereign nations.

Until recently, the NLRB held that the National Labor Relations Act did not extend jurisdiction over tribal activities that were located on Native American lands, consistently holding for years that tribes are units of government and exempt from Federal labor law. If tribal activities occurred off Native American lands, the NLRB had discretionary jurisdiction under the National Labor Relations Act, which it would assert if it was appropriate. Yet, earlier this year, the NLRB took the unusual step of ruling that it had the authority to settle a labor dispute on Native American land.

In this case, the NLRB held that it has discretionary jurisdiction over all tribal activities whether located on or off Native American land, which it would now assert on a case-by-case basis. Now, this is a critical blow to tribal sovereignty, and I believe that the effect of the gentleman's amendment would be to stay this decision by the NLRB. Those conversations that are under way can continue to see if there is some way to come to some agreement on this; but to let this decision stand I think is a mistake, and I think the gentleman's amendment has an awful lot of merit.

□ 1415

The Federal Government has passed numerous laws to enhance tribal self-determination and give Native Americans the ability to govern themselves from intrusive Federal interference. It is simply irrational for Congress to declare that tribes should govern themselves and then take away their ability to do so. Restoring this fundamental right, I think, is the right thing to do.

The amendment before us simply reverses the erroneous NLRB decision and restores tribal sovereignty, and I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I wish to thank my colleague from Wisconsin (Mr. OBEY) for yielding me this time.

I find it very interesting that we hear a lot from the other side today about sovereignty, and they are all very excited about it, as if they have just discovered it. It is interesting to hear about sovereignty from the other side, because where were they when we were trying to get sovereignty included in homeland security? Where were they when we were trying to get sovereignty included into all of the other issues, like the environment? Where were they when we tried to get sovereignty into the welfare reform bill, and tribes had to go through States rather than have that money disbursed to them directly, as they should under the trust responsibility?

There have been many votes that have been cast on this floor, and I would venture to say most of these votes, because they are brought up by the majority, I think give the true explanation as to what this debate is all about. We have seen more votes that are antisovereignty votes on this floor in the last several years than the gentleman from Michigan (Mr. KILDEE), who has been here for over 20 years, has ever recalled.

So when some of my friends on the other side call into question the commitment of the gentleman from Michigan (Mr. KILDEE), when it was that gentleman who was the author of the IGRA legislation that provided for sovereignty, I find that suspect. When people talk about, oh, it is sovereignty, and yet where were they when it came to the meetings that took place so that we could get a resolution of this issue?

My colleagues, I do not think this is so much about sovereignty as it is election-year politics. That is what this is about, make no mistake about it. If there was a true interest in getting this issue resolved, this issue could be resolved.

Mr. HAYWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

Mr. REGULA. Mr. Chairman, I just want to rise in support of the amendment. The decision on sovereignty will not be made today, it was made a couple hundred years ago when our forefathers decided they wanted to take these lands, and in the process they granted the Indian tribes sovereignty.

Sovereignty is the issue, and the gentleman's amendment does respect the sovereignty of the tribes that they received in the early years of this Nation.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

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

Mr. WOLF. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I just want to inform the House of something that I think is very important. Over the last year, Mr. Chairman, we have watched the horrors of Darfur unfold before our very eyes. President Bush and Secretary Powell, the Congressional Black Caucus, and Members on both sides have focused on this issue and using every tool possible to save life.

Today the United States took the historic step of calling what is occurring in Darfur, Sudan, genocide. In his testimony this morning before the Senate Foreign Relations Committee, Secretary of State Colin Powell stated: "We concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility, and genocide may still be occurring. We believe, in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obligated under the Convention to prevent and punish acts of genocide. To us, at this time, it appears Sudan has failed to do so." And then he went on to say what the position is.

I want to thank President Bush, and I want to thank Secretary Powell, and I want to thank the people in the State Department for calling this genocide and to doing everything they can to stop the genocide that is taking place in Sudan.

Remember Rwanda? Nobody would say anything about Rwanda. This administration has said it is genocide, and I say, God bless President Bush and God bless Secretary Powell.

Mr. Chairman, I submit for the CONGRESSIONAL RECORD the full remarks of Secretary Powell before the Senate Foreign Relations Committee:

THE CRISIS IN DARFUR

(By Secretary Colin L. Powell)

Mr. Chairman, members of the committee, thank you for the opportunity to testify on the situation in Darfur. Let me start by reviewing a little history.

The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers. The violence intensified during 2003 when two groups—the Sudan Liberation Movement and the Justice and Equality Movement—declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements in the north-south negotiations. Khartoum reacted aggressively, intensifying support for Arab militias, the so-called jinjaweid. The Government of Sudan supported the jinjaweid, directly and indirectly, as they carried out a scorched-earth policy towards the rebels and the African civilian population.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations (UN) Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to in-

tensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union (AU) to monitor that ceasefire.

As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were here, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet and exchange notes. We made sure that our message to the Sudanese government was consistent.

Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur and can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes—indeed many having seen their homes and all their worldly possessions destroyed or confiscated before their eyes—by the terrible violence that is occurring in Darfur.

During my visit, humanitarian workers from my own Agency—USAID—and from other Non-Governmental Organizations (NGOs), told me how they are struggling to bring food, shelter, and medicines to those so desperately in need—a population of well over one million.

In my midsummer meetings with the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, and since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some of our benchmarks such as engaging in political talks with the rebels and supporting the deployment of observers and troops from the AU to monitor the ceasefire between Khartoum and the rebels. Some improvements in humanitarian access have also occurred through the government continues to throw obstacles in the way of the fullest provision of assistance.

The AU Ceasefire Commission has also been set up and is working to monitor more effectively what is actually happening in Darfur. The general who is in charge of that mission, a Nigerian general by the name of Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home. And what is really needed is for the jinjaweid militias to cease and desist their murderous raids against these people—and for the Government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the jinjaweid militias or arresting its leaders.

So we are continuing to press that Government and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action

and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains (which will not diminish until late September) continue to hamper the relief effort.

The UN estimates there are 1,227,000 Internally Displaced Persons (IDPs) in Darfur. In July, almost 950,000 IDPs received some form of food assistance. About 200,000 Sudanese refugees are being assisted by UNHCR and partner organizations in Chad. The World Food Program (WFP) expects two million IDPs will need food aid by October.

U.S. Government provision of aid to the Darfur crisis in Sudan and Chad totaled \$211.3 million as of September 2, 2004. This includes \$112.9 million in food assistance, \$50.2 million in non-food assistance, and \$36.4 million for refugees in Chad, \$5 million for refugee programs in Darfur, and \$6.8 million for the African Union mission.

The U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, 23 initiated the Mission through base camp set-up and logistics support by a private contractor. The Mission is staffed with 125 AU monitors now deployed in the field and has completed approximately 20 investigations of cease-fire violations. The AU monitoring staff is supported by a protection force of 305, made up of a Rwandan contingent of 155 (they arrived on August 15) and a Nigerian contingent of 150 (they arrived on August 30). Recognizing the security problems in Darfur, the UN and the U.S. have begun calling for an expanded AU mission in Darfur through the provision of additional observers and protection forces. Khartoum appears to have signaled a willingness to consider an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified \$20.5 million in FY04 funds for initial support of this expanded mission. We look forward to consulting with the Congress on meeting additional needs.

As you know, as we watched through the month of July, we felt more pressure was required. So we went to the UN and asked for a resolution. We got it on July 30.

Resolution 1556 demands that the Government of Sudan take action to disarm the jinjaweid militia and bring jinjaweid leaders to justice. It warns Khartoum that the Security Council will take further actions and measures—UN-speak for sanctions—if Sudan fails to comply. It urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the jinjaweid militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire. We are disturbed at reports of rebel kidnappings of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies and cooperate fully, including with the AU monitoring mission.

We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues. We are urging both sides to intensify negotiations in order to reach a political settlement.

At midsummer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5—an agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). That agreement covered all the outstanding issues in the north-south process.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming it must focus on Darfur. That would be fine if its focus were the right focus. But it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution (decentralization) and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when we met in midsummer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.

In the meantime, we are doing all that we can. We are working with the international community to make sure that all of those nations who have made pledges of financial assistance meet those pledges. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance. The U.S. has pledged \$299 million in humanitarian aid through FY05, and \$1.8 billion to the AU mission, and we are well on the way to exceeding these pledges.

SYG Annan's August 30 report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The report also highlighted Khartoum's failure to rein in and disarm the jinjaweid militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to cooperate fully with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the

Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude negotiations on a comprehensive peace accord.

And finally there is the matter of whether or not what is happening in Darfur is genocide.

Since the U.S. became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan.

In July, we launched a limited investigation by sending a team to refugee camps in Chad. They worked closely with the American Bar Association and the Coalition for International Justice and were able to interview 1,136 of the 2.2 million people the UN estimates have been affected by this horrible violence. Those interviews indicated:

A consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by jinjaweid and government forces against non-Arab villagers;

Three-fourths (74%) of those interviewed reported that the Sudanese military forces were involved in the attacks;

Villages often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for villagers to return.

When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility—and genocide may still be occurring. Mr. Chairman, we are making copies of the evidence our team compiled available to this committee today.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties "may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Today, the U.S. is calling on the UN to initiate a full investigation. To this end, the U.S. will propose that the next UN Security Council Resolution on Sudan request a UN investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I said the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part". This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

Specified acts are committed: (a) killing; (b) causing serious bodily or mental harm; (c) deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole or in part; (d) impos-

ing measures to prevent births; or (e) forcibly transferring children to another group;

These acts are committed against members of a national, ethnic, racial or religious group; and

They are committed "with intent to destroy, in whole or in part, [the group] as such".

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that:

The jinjaweid and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals;

The jinjaweid and Sudanese military forces destroyed villages, foodstuffs, and other means of survival;

The Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering; and

Despite having been put on notice multiple times, Khartoum has failed to stop the violence.

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide. These people are in desperate need and we must help them. Call it a civil war. Call it ethnic cleansing. Call it genocide. Call it "none of the above." The reality is the same: there are people in Darfur who desperately need our help.

I expect that the government in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point genocide is our judgment and not the judgment of the International Community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simply way for Khartoum to avoid such wholesale condemnation. That way is to take action.

The government in Khartoum should end the attacks, ensure its people—all of its people—are secure, hold to account those who are responsible for past atrocities, and ensure that current negotiations are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short-term is to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

In the intermediate and long term, the security of Darfur can be best advanced by a political settlement at Abuja and by the successful conclusion of the peace negotiations between the SPLM and the Government of Sudan.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Hayworth amendment. I think it is unfortunate, as the gentleman from Michigan (Mr. KILDEE) pointed out, that this amendment is offered here. This amendment will not stop the impact of the NLRB ruling, it will simply stop the enforcement of that act, so those who want to seek to organize under the act will go forward,

and we will find out about penalties for noncompliance or the results of the actions much later, some years from now, if this amendment passes.

But I think it is also important to note the gentleman sort of belittled the efforts of the gentleman from Michigan (Mr. KILDEE), myself, the leaders of the tribes, the leaders of the AFL-CIO sitting down together to work this out. And yet he cites that the California arrangement was basically the subject of negotiations where, in fact, the tribes, the labor unions, and Governor Schwarzenegger came up with an arrangement that some say is stronger than the current National Labor Relations Act.

The point is these are good-faith negotiations. We have had several meetings. Many people were surprised that either of those organizations would walk into the same room to sit down and discuss this, but they recognized the problem here. The problem, unlike State governments, is that you have tens of thousands of workers and potentially many tens of thousands of workers working in Indian gaming facilities, who, if they are not properly treated, if they are mistreated, not saying they will be, they are not enrolled members of the tribe, and they really have no recourse. They have no recourse to that activity. They cannot vote against the mayor, they cannot recall the city council, they cannot organize their fellow citizens because they are not members of that tribe.

As my colleague knows, in many of these instances, the size of the tribe may be a couple hundred people. Obviously, they cannot run a casino because the workforce there is several thousand of those individuals. So I do not think it is a matter of national policy. And the Indians have recognized this in our discussions, that you would leave people without some recourse to an ability to organize. That is why they have recognized, at least in these discussions, that we should go forward and try to see whether or not we can develop a system that honors sovereignty and is a parallel system to provide for the protection and the recognition of these workers.

That is, in effect, what we are doing now. And I did not quite understand the previous exchange, because the suggestion is somehow that this is make-work. I hope not, because I, obviously, and many of the people in that room are very prominent people and very busy people. I hope we are not wasting our time.

Now, what has happened since this amendment appeared, those meetings have all been canceled. So I think it has been destructive to that process.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my friend for yielding, and this would make the point. In terms of the negotiations in California, were they

not, in fact, conducted on a government-to-government basis?

The CHAIRMAN pro tempore (Mr. THORNBERRY). Time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. HAYWORTH. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I am sorry, but I will have to ask him to repeat the question.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield to me for that purpose.

The gentleman talked about the California situation and the negotiations that went on in the gentleman's home State. I would just simply ask: Were not those negotiations conducted with sovereign tribal entities negotiating with the State of California on a government-to-government basis?

Mr. GEORGE MILLER of California. Reclaiming my time, which the gentleman yielded to me, Mr. Chairman, I would respond that, actually the chairman of the San Manuel Tribe will say no; that that was not the case. But I would tend to agree with the gentleman. Exactly.

That is what we are trying to do here as representatives of the Federal Government, recognizing the doctrine of sovereignty and protecting that with the tribes.

Mr. HAYWORTH. Which is exactly my point.

Mr. Chairman, I yield myself 1 minute, and I would simply make the point in response that what we are dealing with here today, contrary to the comments of my friend from Rhode Island, sovereignty was not created in the wake of IGRA. Indeed, a part of the Indian Gaming Regulatory Act was a government-to-government negotiation between sovereign tribes and the respective States.

Now, with reference to what has gone on and what has been described as productive negotiations, yes, indeed, tribes met with several union officials in attempts to negotiate. Our understanding is essentially the negotiations went nowhere. And, Mr. Chairman, the tribes are in no position to negotiate because of this NLRB ruling. This amendment is an immediate solution for now, and it will fix this problem, offering a time out, until a final solution can be crafted.

Sovereignty is not conditional. We cannot accept it in some instances, but then, when it somehow is politically inconvenient, ignore it in others. That is why this amendment should be passed, and I ask my colleagues to join me in this.

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

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) continue to reserve his point of order on this amendment?

Mr. OBEY. Mr. Chairman, I withdraw my reservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

For the first time, under the San Manuel decision, workers at Indian casinos, Indians and non-Indians alike, enjoy the full protection of the NLRA's right to organize and right to engage in collective bargaining. The right to organize and collectively bargain, those rights are internationally recognized ILO human rights.

Many tribes have established tribal labor ordinances pursuant to State gaming compacts. Basic labor rights, including the right to free association, the right to collective bargaining, and labor rights that are reflected in both the NLRA and many tribal labor ordinances, are the rights that we insist on in international trading with our international trading partners, including underdeveloped nations.

We insist that labor rights be enforced in international trade agreements. We include provisions in trade agreements to protect those rights. We debate those rights on the House floor. We insist upon that, yet this amendment denies those rights to workers in the United States.

This amendment leaves workers with no enforceable right to organize or to engage in collective bargaining. So we are saying to other countries, do it there, but in our own country we are not preserving and protecting those labor rights, the rights to organize and the rights to bargain collectively.

Rather than pass this amendment, Mr. Chairman, we should be working with both tribal and labor representatives to discuss solutions to the potential conflict between workers' rights and tribal sovereignty. The Hayworth amendment pits workers' rights against tribal rights. Ultimately, it damages both.

I urge my colleagues to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

It is interesting to listen to my friend, the gentleman from Ohio (Mr. BROWN), try to characterize this amendment, when I think more accurately we would characterize this as a choice. And this is the choice to make in this Chamber, and, Mr. Chairman, especially for those who say time and again they are friends of sovereignty.

Are we, in fact, going to respect the provisions in Article I, section 8 of our Constitution that grants sovereign rights and sovereign immunity to Indian tribes in that document of limited and specified powers, or are we going to make a change for political convenience, for political alliances?

And I understand it may be very uncomfortable for some in this Chamber, but are we basically going to say, Mr. Chairman, that the rights of union negotiations supersede the rights of sovereignty?

Make no mistake, Mr. Chairman, in this Chamber, at this time, this decision will be made. And I would offer for

all to note that we should never suborn sovereignty for political convenience. We dare not make that mistake. Support this amendment.

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

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Hayworth amendment. Tribal nations have established commercial gaming enterprises because of the economic prospects and to improve the living conditions of their tribal members. Before gaming, many of these tribes had little or no economic development and next to nothing on their lands to provide a foundation of commerce.

If you had come to Las Vegas when my family came to Las Vegas over 4 decades ago, you would have found similar circumstances. A remote place in the Nevada desert with virtually no economic activity. My community looked to gaming, and now Las Vegas has one of the most vibrant economies in the United States. The key to Las Vegas' success is a strong relationship between labor and management. As a result, our casino workers have good-paying jobs, good benefits, good working conditions. Workers at tribal gaming facilities deserve the same.

The National Labor Relations Board ruled it has jurisdiction at casinos operated by American Indian tribes. This decision ensures that the rights of all workers in this country, including those working on tribal lands, are protected. Las Vegas is a shining example of why such an atmosphere of respect between employees and employers strengthens the entire community.

I urge my colleagues to vote against this amendment which is one-sided and jeopardizes ongoing discussions between those parties impacted by the ruling. Rather than resolving the situation, this amendment may only cause deterioration in efforts to come to mutually beneficial solutions. The NLRB has ruled and this Congress should not overturn that ruling.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, there is a little bit of having it both ways. The gentleman from Arizona says he respects the California compacting process; yet in the 106th and 107th Congress, we debated this amendment when he wanted to prohibit the State of California or any entity negotiating a compact with the Indians from even discussing labor rights. I am a little bit confused here about what it is.

The gentleman does not like the negotiations that were going on because he likes what California is doing, but now we see in fact this amendment is not just about what happened with the National Labor Relations Act, because

he has been trying to prevent the tribes or States from engaging in any discussion on terms and conditions of employees. This was long before.

The gentleman does not come here with some pure heart. The gentleman is subsuming what those compacts could be about; and this Congress, recognizing sovereignty, passed legislation to allow for that compacting to take place. That is what the law is, that those arrangements take place between the governors and the tribes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, while I respect my colleague from Arizona, I do not think this is the right time or right vehicle to consider this issue. As we have seen time and time again, the Native American Caucus has been unified on amendments and bills that benefit Indian Country. Today that is not the situation.

Mr. Chairman, as Members know, I have been a long supporter of both tribal sovereignty and workers rights, as have many in this body. But the amendment we are considering now could have far-reaching implications on these issues and should not be acted upon in a hasty fashion.

Several States, such as California and New York, have previously worked out agreements with Native American tribes on this very issue. Currently, similar negotiations are underway to find a more permanent solution for all of Indian Country.

Even if the Hayworth amendment is passed today and becomes law, it is not a permanent fix. We will be back here again next year debating the same issue. We should be looking for a permanent solution, and we should allow all parties to continue to work out an agreement and not move this amendment today.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining, the gentleman from Arizona (Mr. HAYWORTH) has 1 minute remaining, and the gentleman from Wisconsin (Mr. OBEY) has the right to close.

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

It is very simple at the end of day. I listened with interest to the gentleman from California (Mr. GEORGE MILLER), who would not let me answer a question. It had nothing to do with my advocacy of any policy, simply the notion that negotiations take place on a government-to-government basis.

Now, much has been made of the National Labor Relations Act and the National Labor Relations Board; but many in this Chamber, friends who unfortunately line up on the other side of this issue today, often cite the document that trumps all of these organizations, the United States Constitution, article 1, section 8, that Congress shall have the power to regulate commerce with foreign nations and among the

several States and with the Indian tribes.

Sovereignty is not situational. The Constitution of the United States trumps the National Labor Relations Act. It trumps any treaty, and tribes, as sovereign governments, should have the freedom to determine if this should go forward. Support this amendment.

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

Mr. Chairman, a few years ago I endured efforts to recall me because I steadfastly supported the principle of tribal sovereignty, and I do not regret that. I think I took the right position. But I am opposed to this amendment because of something that happened in Wisconsin several years ago. One of the tribes in my district contracted out for the operation of a casino to a private operator. That private operator had some very strange rules. One of the rules when women were hired was very blunt: Put out or get out. It was an outrageous way to deal with female employees, but we had no way to reach into that situation and protect those women workers because the State compacts did not provide protection under such circumstances.

I do not ever want that to happen again to any woman working anywhere in my State or any other State in the Union. That is why I believe that the correct vote on this amendment is to vote against this amendment because the last time I looked, the United States Constitution guarantees equal protection under the law to every citizen; and I am not about to suggest that in cases of casinos, for instance, on or off reservation, that the people who work for those casinos are not going to be entitled to the protection which they need in order to experience decent working conditions.

I think a Congress that cannot protect women in those circumstances is a Congress that is impotent, and I do not believe Congress ought to be impotent in those situations, so I urge a "no" vote on the amendment.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KILDEE:  
At the end of the bill (before the short title) insert the following new section:

SEC. \_\_\_\_\_. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Mississippi (Mr. WICKER) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. At a time when students and families are struggling with skyrocketing tuition, we are squandering an opportunity to generate more student aid. This fiscal year alone, nearly \$1 billion in special student loan subsidies will be paid by the Federal Government to lenders rather than used for financial aid for students. This subsidy results from an obscure provision in the Higher Education Act and its regulations which provide lenders a 9.5 percent rate of return on certain student loans.

This rate of return is excessive when we consider that lenders are guaranteed approximately a 3.5 percent rate on other student loans. The 9.5 percent guarantee was established in the high interest rate year of 1980. Congress intended for it to be phased out of existence beginning in 1993; but through a regulatory loophole, the guarantee has continued. Both the New York Times and the L.A. Times have reported on this loophole. The Government Accountability Office will soon issue a report which calls for the Department of Education to correct its regulations on this matter.

This special subsidy has caused a loss of financial opportunity for students. Students are bearing the brunt of rising college costs and shrinking grant aid. Today we have an opportunity to correct this problem. Despite this issue being addressed in the last Presidential budget, no action has taken place. Since this subsidy has not been eliminated, it has now tripled in the past 3 years.

It has been publicly announced in our hearings in the Committee on Education and the Workforce and in the press that we will not authorize the Higher Education Act this year. This essentially prevents Congress from addressing this issue in the normal fashion. This amendment is the only recourse left to us today. The amendment ends the special subsidy for new loans which are funded with proceeds from bonds which have been refunded or transferred.

Today, Mr. Chairman, we have an opportunity to curtail the biggest use of this provision to date. I urge Members join me in supporting this amendment.

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

Mr. WICKER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in support of the Kildee amendment.

In February of this year, President Bush called on Congress to end the 9.5 percent floor interest rate subsidy paid to some lenders in the student loan program. The 9.5 percent floor was supposed to be phased out beginning in 1993, but through a bureaucratic move by the Clinton administration Department of Education, the practice has continued.

We followed the President's lead earlier this year when we introduced the College Access and Opportunity Act and called for the elimination of these 9.5 percent loans, which in my view and the administration's view and the view of the gentleman from Michigan (Mr. KILDEE) are being abused by some lenders in order to get an extra subsidy on the student loans that they process.

I would welcome the gentleman from Michigan (Mr. KILDEE) to the efforts we have put forward throughout this year to eliminate the 9.5 percent floor, and urge my colleagues to support the gentleman's amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), a cosponsor of the amendment.

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for his leadership on this issue. I am very pleased to hear that this amendment is going to be accepted, because I think it is a bipartisan amendment. Its goal is to save the taxpayer money, money that could be better spent both towards reducing the deficit and investing in education programs like Pell grants and other programs which will help provide greater student loans to many needy students out there.

As Members have heard, this 9.5 percent loan scheme has been in place for some time, but only recently have we seen many people taking advantage of it and really abusing it. According to GAO's preliminary findings, it will cost the taxpayer \$1 billion this year. If we do not close it now, it will cost the taxpayer even more down the road. These are dollars that could be invested in other forms of support in the area of education.

□ 1445

I do want to note that the budget submitted by the Bush administration this year, the fiscal year 2005 budget, assumed that we as a Congress would address this issue. So I very much hope that as this appropriation bill goes to the Senate, that we stick with this provision and this position, because if we do not and this is removed from the bill, it will end up costing the taxpayers billions of dollars going forward.

I am very pleased to hear that this has been accepted, but I do want to un-

derline the importance of addressing this right now, because as a result of our action to close these loopholes, those that have been taking advantage of it may be encouraged to try and take even greater advantage of it until it is actually shut down. So if we do not shut it down in the next few months, we are going to see a further run on the taxpayer and further loss of valuable resources that we could spend and invest in other very important education initiatives.

Mr. KILDEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WICKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. KILDEE) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and straightforward. It would essentially prevent the implementation of section 1011 of the prescription drug bill passed by Congress earlier this year. That section, as the Members may recall, is a controversial provision of the law that provides \$1 billion to cover the health care costs of illegal aliens in the country.

Let me quickly add that what this amendment does not do, because oftentimes we submit an amendment of this nature and there are all kinds of claims made about what dire things would happen if it were to pass. This amendment restricts health care to no one. It has nothing to do with provision of



health care. Health care will still, of course, be provided to people because of EMTALA, because of the requirement of the Federal Government.

Right now we spend upwards of \$61 billion a year, Federal dollars, going to hospitals for Medicaid reimbursement. That, by the way, does not cover Medicare payments, but just in Medicaid alone, \$61.2 billion. The provisions of EMTALA said that if you accept Federal dollars, you must provide service to people on any basis if they need it. They cannot be refused medical attention for emergency care.

This does not change that in any way, shape or form. The services will still be provided. But recently promulgated rules designed to implement the section fall short of establishing any meaningful accountability measures for the money, and, more importantly, they do not require information-sharing with homeland security officials to ensure that illegal aliens are deported after their condition stabilizes. As a result, the same illegal aliens could conceivably receive medical care at taxpayers' expense over and over and over again.

It is also important to note that many of the States incurring the heaviest costs for treating illegal aliens have helped create their own problems. In many cases they have taken steps to make themselves magnets for illegal immigrants, whose health care costs they are now burdened with, by permitting them to obtain driver's licenses, enroll in higher education at in-state rates, obtain public services through the use of consular ID cards. All of these things, of course, attract more people to come who are, in fact, in the country illegally, and then their health care costs become a burden to the taxpayer.

The sad irony is that many of the Americans who are being asked to cough up the \$1 billion to fund health care for these illegal aliens do not have health insurance themselves. This giveaway is bad for taxpayers, sends the wrong message to illegal aliens and Americans alike, and comes at far too high a price. It was wrong when we passed it. It is wrong today.

Mr. Chairman, we have more pressing needs in this country than providing a patients' bill of rights for illegal aliens. I hope Members will support my amendment and save American taxpayers \$1 billion.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would forbid the use of CMS funds to administer the undocumented alien program funded in last year's Medicare Modernization bill. I am reluctant to get into this debate because it is the jurisdiction of the Committee on Energy and Commerce, and last year's Medicare bill included funding for this new program intended to provide relief to hospitals in jurisdictions with large numbers of undocumented aliens.

I think the goal here might be to prevent these undocumented aliens from having health care, but the truth of the matter is the hospitals are going to pay the price. They are not going to turn anybody away that comes to the door that needs medical treatment. And if they cannot get reimbursed from CMS, they are going to have to eat it. The hospitals have to do a lot of this as it is with charity patients and so on, and I do not think it is fair to use an amendment like this to put an additional burden on hospitals. While it may seem to preclude undocumented aliens from getting health care, the truth is they are going to get it, and instead of being reimbursed, the hospitals are going to have to eat it and, in effect, pass it on to the rest of their clients.

This was defeated as a proposal to overturn the program by 331-88 last May on H.R. 3722. I understand the feelings of the gentleman from Colorado, but the truth of the matter is I do not think it is a burden we want to shove off on hospitals, and they already have enough outlays for charity patients, for charity work, and let us not add one more set of problems to them.

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

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

I agree with the gentleman when he says that this will not prevent anyone from obtaining services, and it is not my intent to prevent anyone from obtaining services. That is really not the purpose of this. Hospitals, yes, they will provide the services. They must under EMTALA. It is absolutely accurate to say that the burden falls somewhere, taxpayers, somewhere along the line, he is right.

To me it is just peculiar, to say the least, that we actually take part of the law and identify a program for \$1 billion for services for people who have broken the law. That is the peculiar aspect of this. If we had to add \$1 billion to the \$34.6 billion that we give hospitals in order to care for the poor, if that is the place to do it, that is the place to do it. It is this odd identifying in law a provision for services for people who have broken the law, other than incarceration services.

It is also odd, I would say, that there are really only two groups of people in this country that can obtain free medical health care, health services, at any time they want, and that is people who are incarcerated and people who are here illegally. What a strange situation.

I just believe that the \$1 billion should be reallocated. There are better uses, or at least better placement of it, than in this bill. That is my only purpose.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time, and I come to rise in opposition to the amendment offered by the gentleman from Colorado.

Once again, what we are looking at here is something that tries to deal with the symptoms of illegal immigration. It does not actually deal with the problem that we have of illegal immigration. But in this case we are really not talking about going after illegal immigrants at all. We are going after hospitals. We are going after health care providers. We are going after the people that are providing the health care, that are providing emergency services for these people, and we are saying we are going to punish those particular people.

This is an antihospital amendment. There is no other way to describe it. It is just an antihospital amendment. If this amendment passes, we are punishing the overburdened and undercompensated hospitals, which I happen to have a lot of them in my district because we have a lot of the illegal immigration in Arizona. And so the costs in Arizona are tremendous. This is targeted directly against the hospitals in places like Arizona and along the border there.

If the Federal Government mandates that hospitals treat those that are brought to their doors, and they do, then the problem is you need to reform that law, EMTALA as it is called. If you want to deal with the problem, reform that. Otherwise the Federal Government needs to be responsible for the mandate that it has created by saying that hospitals must serve anybody who shows up in their emergency room, must serve them. That is the way it probably should be, in my opinion. I do not think we want hospitals saying, we are going to turn you away, and we are going to deal with this other person. But if you want to reform it, that is where you need to reform it.

We have hospitals in my district that are going bankrupt. They cannot offer medical services because they are not being reimbursed. One of our two major hospitals in Tucson has closed their trauma one center largely because the other hospital is overburdened with trauma one care right now, and it is largely because of this problem, and this, of course, would put an even greater burden on them and hurt them even more. They are disappearing through no fault of their own. They are complying with the law. They are dealing with the care for people that need this care.

This is the wrong approach. I urge rejection of this amendment.

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

I would just conclude by saying that I certainly agree with the last gentleman and his reference to the fact that this does not solve any illegal immigration problem. It is not designed to do that. That is not the purpose. It is designed to correct what I believe to

be a terrible flaw in the law. We should never, ever put in law that we are, in fact, taking taxpayer money and providing services for people who have broken the law. That is a bad precedent. If you want to add the money, put it into the already \$61 billion that we give hospitals for the purpose of treating folks who are in need. That is all I am saying. It has got nothing to do with immigration.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman THOMAS G. TANCREDO's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit the use of funds to pay the salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, that deals with federal reimbursement for emergency health services furnished to undocumented aliens.

The effect of this amendment would be to require physicians and other health care providers to become part-time border patrol agents. According to the American Medical Association (AMA), withholding necessary care on the basis of a person's immigration status would violate the Hippocratic Oath. The AMA also has expressed concern over the fact that discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would prevent some undocumented immigrants from seeking care for communicable diseases until they are extremely ill, at which point they might have already exposed many people to their diseases.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act (EMTALA) obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard to immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention

on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against this amendment.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STARK:

Page 105, after line 16, insert the following new section:

SEC. 519. The amount otherwise provided by this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of the Secretary—General Departmental Management" is hereby reduced by \$84,500.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentleman from California (Mr. STARK) and the gentleman from Ohio (Mr. REGULA) each will control 10 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order on the amendment.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is probably the lowest-priced amendment to be offered to this bill, but what it does basically is takes away \$84,500 from the Secretary of HHS's management budget. The purpose of the amendment is to establish firmly the rights of Congress in regard to getting information from the administration.

Very quickly, during the course of drafting and debating the Medicare bill that dealt with prescription drugs, the head of CMS Mr. Scully threatened improperly the actuary for CMS and caused this actuary to withhold information from the House of Representatives which would have indicated that the drug bill would not cost \$400 billion, but more like \$530 or \$540 billion. That is a \$140 billion difference. It may very well have affected the way many of us might have voted on that bill. It was substantial information. This information was not classified, and it comes under a bill that started back in 1912 when then Senator LaFollette indicated that we should have this information in the normal course of our proceedings available to us. According to GAO, who has recently suggested that the point of this legislation be enacted, never in the history of that legislation since 1912 has anybody violated this law until now. And it was GAO

who said that the recourse for violating the law, for preventing a member of the administration from giving us information relative to our business, should be that the salary of the Administrator of CMS was improperly paid during the time from the point he gagged his subordinate until the end of his term when he resigned in December.

□ 1500

So quite simply said once again, it is uncontroversial that the law was broken by Mr. Scully, that the remedy is that he should not have the salary that he was paid during the period in which the information was withheld from us, and it indeed runs to the prerogative of this House to receive the information that is necessary for us to do our business in the normal course of legislating. And the Secretary can get the \$84,500 back if he wants to go after Mr. Scully for it, and it is highly symbolic, but I think it is imperative that we establish our rights to receive information, either side of the aisle, or from any administration in the future.

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

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order, and I yield myself such time as I may consume.

Mr. Chairman, I am not sure I understand the objective of this amendment, reducing the Office of the Secretary by \$84,500 in general departmental management. Here we are talking about a Department with a \$60 billion, \$60 billion, budget, and to manage that Department efficiently and effectively, we gave a reasonable amount in the bill. And I think it would be a great mistake because the programs that are part of Health and Human Services are very important to people, and if we start debilitating the ability of the Office of the Secretary to manage these agencies well and these programs well, we are not hurting the head of the agency, we are hurting the people who would be benefiting from the programs.

And for this reason I think it is a big mistake, because already, in constructing a bill and because of the constraints, we had a limited amount of additional funding under the Budget Act, and it would be a serious mistake to constrain them even more. And to penalize the Department for a mistake by Tom Scully, and he is no longer there, is not right. It is penalizing the people, tens of thousands of people, that benefit tremendously from the Health and Human Services programs, and to in any way erode the ability to manage these programs on behalf of people I think is a big mistake. And I would, therefore, be strongly in opposition to this proposal.

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

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. STARK) for yielding me this time.

I rise in support of the Stark amendment. This whole Tom Scully issue is a sorry page in a sordid chapter in congressional history. Think about this whole process of the Medicare bill passing this Congress if this new law that seniors, most seniors I know, think was foisted on them, this bill written by the drug industry and the insurance industry.

The vote to pass Medicare was taken in the middle of the night. The debate started at midnight. The vote was taken at 3 o'clock. The roll call, unprecedented in congressional history, was kept open for 2 hours and 55 minutes until Republican leadership could twist arms all over this House floor back in the cloakroom; waking up the President in the middle of the night; trying to change Republican votes; trying to literally bribe at least one Republican Member of Congress, who talked about it on radio the next day; the millions of dollars in campaign contributions that were used to pass this Medicare bill. Tens of millions of dollars went to President Bush's reelection from the drug industry and the insurance. Tens of millions of dollars went into Republican leadership campaign coffers from the drug industry and insurance industry. And then to top off this sordid chapter in congressional history, Mr. Scully, the gentleman, a good public servant, but the gentleman that was negotiating on behalf of seniors, on behalf of taxpayers, was negotiating this bill, and he was lining himself up for a job soon after the bill was signed by President Bush, a job representing and lobbying for drug companies and for insurance companies. What is wrong with this?

This amendment needs to be passed to at least undo part of this very sordid chapter in congressional history.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I would feel a lot better about this issue if the Republican leadership in the Congress decided to do something when they first heard that Tom Scully, who was the Administrator of the agency, Center for Medicare and Medicaid Services, threatened to fire the actuary if he gave Congress the accurate information about how much the Medicare bill would cost. We were told in the Congress that it was going to cost \$400 billion. It turned out it was \$600 billion. And the actuary knew about it, and Mr. Scully said to him if he told the Congress, he was going to fire him.

I hear no sense of outrage from the Republican leadership of the Congress, of the House. I hear no sense of outrage from Republican Members who voted for this bill because they thought it would only be \$400 billion and would have voted against it if they had known the true facts.

The Government Accountability Office has issued its findings to the investigation in this matter, and they said what Mr. Scully did was improper, and

he should not be paid. So under the amendment offered by the gentleman from California (Mr. STARK), we would take out \$84,500 from the appropriations bill in order to make the point of protest as to what happened. That is not a lot of money given the scope of this appropriations bill, but I would feel more comfortable in deferring to the chairman of the subcommittee if he and other leaders on the Republican side of the aisle had at least expressed some outrage on behalf of this institution that we were treated the way we were.

So I support the Stark amendment at least to do something about this issue.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I have one more speaker, but I did want to repeat that, as far as this gentleman is concerned, the issue here, I know the dollars are not significant, but I rather suspect that the laws that were violated were written by the Republican Party when it was in the minority, and I do not think it is an issue that is partisan. I really believe this is an issue that does not deal with anything other than the very most basic facts which we need to carry out our duties here. And, yes, the \$84,500 is symbolic, but it is the only recourse that we have under the law. The law was clearly broken. It seems to me that we should demand that it be taken and leave it to the Secretary to collect the \$84,500 in any manner that he sees fit.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I think this amendment is very important and should be supported.

There has to be some consequence of the Medicare Administrator giving the wrong information to Congress about such an important bill and knowing full well that he was giving that wrong information to Congress. I mean, keep in mind that Mr. Scully was told by Mr. Foster what the actual cost would be, and knowing full well that information, and knowing that if that accurate information had been given to this body, we would never have passed the bill, but he still refused to give it and actually sought to even penalize Mr. Foster, or threatened him, if the accurate information was given to us.

The Department has said that they are not going to ask Mr. Scully for the money back for his salary. Mr. Scully has said that he has no intention of returning it to the government. So there is simply no penalty for giving inaccurate, false information to this body that they know to be false. That is a terrible thing, no consequences. How can we operate as a body when the actuary's information is not given to us, and there is no consequence for that even though the GAO says it is wrong?

Mr. DINGELL. Mr. Chairman, the Stark Amendment takes direct aim at part of the

Bush Administration's pattern of cover ups, clandestine policy making, and concealment of critical information from the Congress. I urge all my colleagues to support it.

We had DICK CHENEY's secret energy task force. We've seen military records concealed. We had no-bid contracts for Halliburton. We've seen government reports doctored—like the one on minority health disparities. And we've seen more games played with numbers during this Administration than you'd get from an Enron accountant. Tax cuts—they're free! (Yet we've got the largest deficits on record.) Employment—it's up! (Yet, we still have 1.2 million fewer jobs now than when the recession started and more workers than ever looking for work.) The uninsured—we're covering them! (Yet, 5.2 million Americans have been added to the ranks of the uninsured under President Bush's watch.)

The recent HHS Inspector General and the GAO reports on the unsavory activities of Mr. Tom Scully, the Administrator of the Centers for Medicare and Medicaid Services (CMS), during the Medicare debate give us one more example of the Administration's deception of Congress and the American people.

The Administration, through former CMS Administrator Scully, covered up important cost information, particularly the fact that the bill would cost more than 500 billion dollars, that Congress should have seen prior to voting on the Medicare bill. Mr. Scully threatened the Chief Actuary with adverse consequences if he provided requested estimates to Congress, and had his underling threaten the Chief Actuary as well. All the while making sure that the White House had the real information.

Just this week, GAO issued a legal opinion stating that Mr. Scully's actions violated federal law, and is recommending that the money from the Medicare Administrator's salary which he received during these improper activities—\$84,500—be returned to the Treasury. This amendment does that.

Accountability has been lacking throughout the four years of this Bush Presidency. We need to bring accountability back to the government. And we should start right here with this Amendment offered by my colleague Representative STARK.

Mr. STARK. Mr. Chairman, I would, as a matter of prerogative of the House, encourage us all to support this modest amendment, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY).

The question is on the amendment offered by the gentleman from California (Mr. STARK).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. STARK) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3½ minutes.

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

Mr. PAUL. Mr. Chairman, my amendment says that no funds in this bill will be permitted to be used to institute system of universal mental health screening. The New Freedoms Commission on Mental Health, a commission established in 2002, has recommended universal mental health screening for all our children in our public schools as well as adults who work in these schools. As a medical doctor, as a civil libertarian, and a strict constitutionist, I strongly reject this notion, this plan, as dangerous and nonproductive.

This type of screening would surely lead to a lot more treatment of hyperactive kids. We already have an epidemic in our schools today that are overtreated. Too often under these conditions, children are coerced into taking medicine. It has been known that parents who have denied medication for their children have been accused of child abuse. There is already tremendous pressure on parents to allow public school officials to put children on medication like Ritalin.

This amendment would not deny, in the routine course of events, medical treatment for those who are suffering from mental disease. What my concern is for a universal screening test of all children for mental illness.

Diagnosis in psychiatry is mostly subjective. It is very difficult to come up with objective criteria. If we wanted psychiatrists to perform the test to make it more objective, it would be impossible. We are talking about an unbelievable number of psychiatrists that are not available, so nonpsychiatrists would be doing this testing.

One of the worst downsides from a program like this would be for a child to be put on a list as having some type of mental disorder.

□ 1515

An unruly child is going to be the first one to be determined as mentally disturbed. It is happening all the time. Those are the individuals that are hyperactive even in a normal sense and end up on Ritalin.

But can you imagine a list of this sort? They claim it will be private, but

can you imagine if there is a list that has identified an individual as a possible candidate for violence? And what if he were to be hired by an important industry? What if the post office was to hire this individual and he was on this list and we did not make this information available to the hiring authorities? That means there would be tremendous pressure to make public officials use this list for reasons that I think would be very, very negative.

The whole notion of testing children to me represents a principle even more intrusive than a mandatory blood test. It would make more sense medically to have a blood test for, say, AIDS, if you thought it was the responsibility of the Federal Government to take this job upon themselves. But, no, if we tried to do this in the area of mental diseases, believe me, the criteria would be way too arbitrary. A diagnosis will be too difficult to determine with a set of objective standards.

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

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does any Member rise in opposition to the amendment?

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little baffled by this, because there is nothing in this bill to establish the universal mental health screening. I do not know what the need for the amendment is. I understand what the concern of the gentleman is if this were the case, but we do not have it. There is no requirement, there is no money, there is no action.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, that is correct, there is no money specified for this. But on previous legislation, the authority exists for us to be involved in mental health. The particular bill's mental health services, it is on the books. The legislative authority is there. It could be done by regulation.

I am just saying you are correct, it is not on there, so there should be no objection, is my interpretation. It is just a protection, a statement by the House that we do not like this idea because this is a recommendation from a commission set up by the administration, and I would like to cut it off before it gets very far.

Mr. REGULA. Mr. Chairman, reclaiming my time, I guess you might call this preventive medicine.

Mr. PAUL. I hope the gentleman will join me in this effort for preventive medicine.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is a little inflammatory. You do have a lot of

people who for, one reason or another, maybe family members, maybe in their own case, they do have problems. I think, in a way, to pass an amendment of this type is sort of putting our thumb in their eye or sort of saying, hey, we do not want any part of this.

What the commission did in their report is say this is a problem we need to be thinking about, that we need to address. But I think it is premature, and it is unfair in a way to identify a segment of the population and say under no circumstances are you going to get any help.

For this reason, I would have to oppose the amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the amendment was misconstrued by the previous speaker, because it would not deny medical care. What it does is it denies the authority to the administration to have universal screening of all children in public school. It does not deny care to any individual that may qualify.

Already the SAT tests have now been changed to incorporate having the students write a paragraph about personal beliefs and their world view. Can you not see the connection? If one has a strange world view or a strange personal belief, if you have a prejudice or whatever one may be deemed mentally ill.

This is a dangerous idea and a notion that has been used by totalitarian societies throughout the ages. Just think of the extreme of this if this is not nipped in the bud, as happened in the Soviet system. People were not always convicted of crimes; but they were put in psychiatric hospitals to be retrained, to be conditioned to think differently and politically correct.

When we see a monopoly school system, a universal school system, talking about standardizing what they think is sound mental health, believe me, we are treading on dangerous ground.

I would like to restate once again, this amendment does not deny treatment to any individual that is pointed out to have medical needs. This goes along with the principles of reasonable cause. They cannot go in and search our houses, or at least they are not supposed to, without a reasonable cause. We should not go into these kids' minds without reasonable cause and sort out this kind of information.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that this is the President's new Freedom Commission on Mental Health, and it is titled, "Achieving the Promise. Transforming Mental Health Care in America." But nowhere in this report does it propose universal mental health screening.

So this amendment is totally unnecessary, and I think it is almost a slap in the face to people that have some difficult problems. Therefore, I would be strongly in opposition to it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I certainly agree with the gentleman's comments. I have great respect and affection for the gentleman from Texas. I know that he believes what he believes deeply, and I respect that. But I just would have to say that I wish we were at the stage in this country in terms of our recognition of mental illness. I wish we were at the stage in this country where we could provide every child with the opportunity to be screened, so that we can catch ahead of time developing problems and help families who otherwise have nowhere to turn.

I join with the gentleman from Ohio (Mr. REGULA) in opposition to the amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), a member of our subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think we have before us a choice between science and stigma. Stigma is the biggest barrier to us making sure millions of Americans gain access to what is fundamentally a physical illness. You do not need to take my word for it. You have every Nobel Laureate, the Surgeon Generals of the United States, all saying this is a physiologically, biologically based illness. So the notion that we are going to shut kids out from being screened so that we can intervene and make a difference in their lives, I do not understand.

I would add one more thing: our colleagues have learned the hard way. Three of our colleagues have lost their children in the last couple of years alone as a result of suicide. We voted on one of those bills on suicide prevention on Senator SMITH's son, who died a year ago yesterday as a result of suicide. We know of many others whose tragedies we do not want to go into.

But to think that suicide and mental illness are not scientifically based is to look back and think we are still living in the Stone Age.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for administrative costs for the collection of monthly premiums under part B of the Medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order.

The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes on his amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last week, the Bush administration on Friday afternoon when no one was paying attention, right after he made a speech at the convention assuring seniors that Medicare would be strong and prosper, and right as Labor Day weekend began and no one was paying attention, the President announced a dramatic increase, a historically high increase in Medicare part B premiums paid by seniors and the disabled, a 17 percent increase, the single biggest premium hike in Medicare history.

Most seniors rely on the Social Security cost-of-living adjustments, COLAs, to offset Medicare premium increases. Though the administration has not published it yet, the Social Security COLA will be about 3 percent, making the Medicare increase almost six times what the COLA increase for Social Security will be.

Usually they are announced at the same time. This year, because of the election, presumably, the President thought he could sort of quietly do this right before Labor Day. He did not really want to announce them at the same time, presumably because the premium increase for Medicare was five to six times what the COLA increase would be.

Why are those premiums rising so dramatically? The Bush administration spokesman says it is because seniors are going to receive enhanced benefits. He did not acknowledge that the premium increase will help cover enhanced benefits for HMOs, \$12 billion worth.

So we have a \$130 increase for seniors' premiums, and we have \$12 billion more going into HMO pockets. HMO profits already are soaring; they increased 50 percent last year. Yet the Bush administration is tapping the Medicare trust fund and making seniors pay more out of pocket to finance a \$12 billion HMO slush fund. That is just the beginning. The total HMO payment changes in last year's law will cost taxpayers \$46 billion.

So even as it is emptying the Medicare trust fund, the Bush administration has the audacity to ask the American seniors to pay more. The change would require each of 40 million senior and disabled Americans to pay \$139 more next year for Medicare coverage. My amendment would stop the premium increase.

Unfortunately, my friend, the gentleman from Ohio (Mr. REGULA), is using his discretion to object to the amendment on procedural grounds. I urge my friend, the gentleman from Ohio (Mr. REGULA), to reconsider because we need to look at this bigger picture: how much money are we paying the insurance companies; how much are we telling seniors they have to reach into their pockets.

There is no justification for pouring billions into the pockets of already very profitable HMOs and asking seniors on fixed incomes to absorb a 17 percent increase just to appease a President bent on privatizing Medicare.

Asking seniors to finance the President's privatization agenda is not just unjustifiable; it is, frankly, shameful. If this amendment does not pass, seniors will see their premiums rise sharply while HMOs take billions more in so-called bonus payments.

The chairman can and should permit a vote on this amendment so we can begin to restore the trust of seniors and the fiscal integrity of Medicare.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that the gentleman that just spoke is a member of the authorizing committee with jurisdiction, and, therefore, this ought to be handled there.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the amendment offered by Mr. BROWN, my good friend and the ranking member of the Energy and Commerce Health Subcommittee.

Last week the Bush administration announced a 17-percent increase in premiums for Medicare Part B benefits. This is the highest increase in Medicare's long history.

In fact, since the Bush administration came to town, Medicare premiums have increased twice as much as they did during all 8 years of the Clinton administration combined.

On every account, it is wrong for our seniors on fixed incomes to face double digit increases in their Medicare premiums.

But to make matters worse, our seniors are left footing the bill as a result of this administration's failed health care policies.

If this administration wants to increase access to health care, it should ensure that Medicare—as a safety net program—is truly affordable to America's senior citizens.

Instead, this administration is charging our seniors an extra \$5.5 billion next year, all the while diverting \$12 billion from the Medicare Trust Fund to help HMOs lure Medicare beneficiaries away from traditional Medicare.

Instead of siphoning money from the Medicare Trust Fund to the HMOs' pockets, the administration should focus on the fiscal realities facing the Medicare program.

By stopping the Medicare Part B premium increase, the Brown amendment will force them to do just that.

I urge my colleagues to do right by America's seniors and support this amendment.

## POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it is a violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2005 on July 22, 2004, House Report 108-633. This amendment would provide new budget authority in excess of the suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. BROWN) wish to be heard on the point of order?

Mr. BROWN of Ohio. Mr. Chairman, I have one additional speaker. Is it possible that he can speak before that?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has made a point of order on the amendment. The Chair must at this point entertain only argument related to the point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would like to speak respecting the opinion and statement of the gentleman from Ohio (Mr. REGULA) on the point of order.

Mr. Chairman, this is a question of, by and large, moving money from the Medicare trust fund, the money that Congress has decided should go to insurance companies, and, as a result, costing Medicare beneficiaries an additional payment out of their pockets.

It is basically a zero-sum game. Are we in this body going to say insurance companies are going to get the money, or are we going to say we are going to charge beneficiaries for that money? I would appeal based on that.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Ohio would increase the level of new discretionary budget authority in the bill.

□ 1530

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

## AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . The amounts otherwise provided by this Act are revised by reducing the amount made available for "EMPLOYMENT AND TRAINING ADMINISTRATION-TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCIS-SION)", by reducing the amount made available for "EMPLOYMENT STANDARDS ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "MINE SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "BUREAU OF LABOR STATISTICS-SALARIES AND EXPENSES", by reducing the amount made available in title I for "OFFICE OF INSPECTOR GENERAL", by reducing the amount made available for "HEALTH RESOURCES AND SERVICES ADMINISTRATION-HEALTH RESOURCES AND SERVICES", by reducing the amount made available for "CHILDREN AND FAMILIES SERVICES PROGRAMS", by reducing the amount made available for "ADMINISTRATION ON AGING-AGING SERVICES PROGRAMS", by reducing the amount made available for "OFFICE OF THE SECRETARY-GENERAL DEPARTMENTAL MANAGEMENT", and by increasing the amount made available for "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION-SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES", by \$18,978,000, \$10,802,000, \$10,967,000, \$7,280,000, \$15,022,000, \$5,000,000, \$4,386,000, \$11,042,000, \$12,312,000, \$1,158,000, \$5,234,000, and \$100,000,000, respectively.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. RAMSTAD) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order.

The gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

This amendment would fully fund the President's request for the Access to Recovery grant program, which helps people who need chemical dependency treatment get the help they need from the treatment provider of their choice.

Mr. Chairman, it is time for Congress to get serious about the problem of alcohol and other drug addiction and treat it like the number 1 public health crisis it is. Nearly 1 in 10 Americans today is suffering the ravages of chemical addiction. Twenty-six million Americans are addicted to drugs and/or alcohol, and 156,000 Americans died last year from this fatal disease.

The public costs of untreated addiction are also staggering. A Brandeis University study found that addiction costs the American economy \$400 billion a year. That is billion with a B, Mr. Chairman. These criminal justice costs, health care costs, lost productivity in the workplace, and so on are a huge drain on our economy, and there are countless other human costs we cannot even begin to quantify.

At the same time, Mr. Chairman, there is real hope for Americans struggling with the disease, hope through treatment and recovery. We have all the empirical evidence in the world to show that treatment works, and expanding access to treatment, as the President wants us to do, is not only the right thing to do, but it is also the cost-effective thing to do.

The National Institute on Drug Abuse did an exhaustive study and found that every dollar spent on treatment saves \$7 in criminal justice costs alone. If savings in health care are factored in, we save \$12 for each dollar spent on treatment. A California study found that statewide emergency room admissions dropped by one-third after treatment, and crime declined by two-thirds following treatment.

So the question, Mr. Chairman, is not whether we can afford to provide treatment; the question is whether we can afford not to provide treatment.

Mr. Chairman, I stand here today as a grateful recovering alcoholic of 23 years, 1 month, and 9 days, and I am alive today only because I had access to the treatment that I needed. If fully funded, the Access to Recovery program could extend the same lifeline to 100,000 other Americans who desperately need help, who desperately need treatment.

President Bush proposed the Access to Recovery program last year, and we funded just half of his \$200 million request. As a result, 45 States applied for funding; because of the lack of funds, only 14 States and 1 tribal government received any grants. It is clear, Mr. Chairman, the demand far outstrips the supply of these critical funds. The bill before us, once again, contains only one-half the funding that the President requested.

Mr. Chairman, this is a life-or-death issue, and we cannot afford to be half-hearted about it. This amendment would fully fund the President's request by adding \$100 million to the Access to Recovery program. It is fully offset with cost-savings for administrative accounts.

Mr. Chairman, President Nixon, when he first declared the war on drugs in the 1970s, directed 60 percent of funding, of Federal funding, to treatment. Today we are down to 18 percent, 18 percent. That is why over half the treatment beds available just 10 years ago are gone. That is why 3.5 million Americans were denied treatment last year alone.

This program, the Access to Recovery program, will not only enable addicted Americans to receive treatment, it will also help increase the number of providers, and the rigorous peer review process at SAMHSA for obtaining the grants and its strong program evaluation requirements will lead us to better performance-based treatment in this country.

I urge my colleagues to support this critical program and provide hope to thousands of Americans who need

treatment for the fatal disease of alcohol and other addiction, alcohol and other drug addiction.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, I commend the gentleman for his concern. We have the same concern in the subcommittee. We have put lots of money in the State grants. We have put \$100 million in this program. I think it is important that we prove the efficacy of it, give the agency a chance to demonstrate that it will work.

But in the meantime, we are constrained by parliamentary rules, and under the parliamentary requirements, this does require some additional expenditure.

Therefore, Mr. Chairman, I make a point of order against the amendment, because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of Rule XXI. Clause 2 of Rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of Rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. RAMSTAD) wish to be heard on the point of order?

Mr. RAMSTAD. I do, Mr. Chairman.

Mr. Chairman, I understand this amendment is subject to a point of order because it seeks to add funding to an account administered by SAMHSA. Unfortunately, the authorization for SAMHSA did expire at the end of last year.

At the very least, Mr. Chairman, this should be a wake-up call for Congress to reauthorize SAMHSA without further delay. SAMHSA is a critical source of treatment funding for the 45 million Americans suffering from mental illness and the 26 million Americans suffering from chemical addiction.

It is unfortunate this amendment will most likely be ruled out of order because Congress has not acted to reauthorize SAMHSA. However, I look forward to working with the gentleman from Ohio (Chairman REGULA) and my other colleagues on the critical mission of expanding access to treatment for people suffering the ravages of chemical addiction.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Yes, Mr. Chairman, I would like to be heard on the point of order.

I believe that this is an important point that the gentleman from Min-

nesota (Mr. RAMSTAD) brought up. I thought it was brought up very poignantly because of the importance of this issue, and I wanted to join him in addressing this issue and to ask my colleagues to acknowledge the real champion on these issues with alcoholism and substance abuse that the gentleman from Minnesota (Mr. RAMSTAD) speaks so eloquently about and is such a leader on.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of Rule XXI.

The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees "from that agency" at any single conference occurring outside the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Over the last few days, I have heard colleagues from both sides of the aisle address the financial situation that our government finds itself in with regard to the budget deficits and our level of spending. Mr. Chairman, while people may disagree on each side of the aisle on exactly how we got to this point, how we got here, I think most Members will agree that we are, in fact, spending too much money.

That is why I am proposing today a very simple amendment, a common-sense approach, I think, to help limit the amount of money that the government spends of our constituents' hard-earned tax dollars.

My amendment will simply do this: It will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. Recently there has been a trend, unfortunately, by various government agen-

cies to send far in excess of this number of staff to international conferences, costing taxpayers millions upon millions of dollars. Like all of my colleagues, I understand the importance of staff, both on a personal level and on an agency level, but I think we have an obligation to our citizens back at home to do all we can to rein things in.

Let me just take a moment to cite one example. Back in 2002, a U.S. agency sent 236 people to an international AIDS conference in Barcelona, Spain. These employees were sent at a cost of \$3.6 million of taxpayers' funds. Someone pointed out after I raised this point earlier how much treatment and how many individuals could have been treated with that \$3.6 million had we not sent so many people.

Due to my limited time here right now, I am not going to go into other examples of excesses as far as employees and staff being sent to these conferences; I am just going to urge my colleagues on both sides of the aisle to support this amendment, to support the limited number to 50, a number that we have done on voice vote on a previous bill, on the foreign ops bill, a number that was also concurred with by the Secretary of HHS as well as in his own directive to his employees. So I encourage my colleagues on both sides of the aisle to support this amendment.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

I understand my colleague's concern about international travel. I think that Secretary Thompson has done a good job of trying to get guidelines established in the agency. William Steiger, who is the son of one of our former highly respected House colleagues, is a point person in the agency. They are reviewing their travel requirements.

I am not going to object to the amendment, but I think that Secretary Thompson is very much aware of this problem, and I think he will address it certainly in the way in which he administers the Department. He has done a superb job in handling a very difficult agency in HHS. There may be special occasions when it requires more than 50, particularly when many of these meetings are in Canada.

But in any event, we will address this as we go along, and we are not going to object to it today.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUGEBAUER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. \_\_. None of the funds made available in this Act for the National Institute of Mental Health may be used to fund grant number MH054142 & MH064527.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas. (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit the National Institute of Mental Health from further funding a grant studying the decorations of dorm rooms and college students' Web pages. It also would prohibit NIMH from further funding a grant studying what makes for a meaningful day.

This would not cut out any funding for NIMH; it would simply focus research funding that is provided toward serious mental health issues and not interior decoration.

I have personally read this grant application and found that each participant was allowed to receive \$100 for decorating his dorm room and, additionally, three \$1,000 prizes were given away in a lottery to the study participants.

The second application states that "for many students, attending college may be a source of meaning itself, as a stepping stone to future goals or as a means of occupying a meaningful social role." Now, I do not think we need to spend \$1 million for college students to determine what is a meaningful day in their life.

Each of us meet with constituents on a daily basis with serious mental health issues threatening not only themselves, but their families. Right now, when Americans are facing these unbearable losses, taxpayer dollars should be focused on serious mental health issues like bipolar disorders and Alzheimer's.

Research areas under the NIMH include Alzheimer's, schizophrenia, bipolar disorder, and suicide prevention. Grants to questionable studies like dorm room wall decorations cloud many of the good things that the National Institute of Mental Health does and can do.

According to a recent study published by the Treatment Advocacy Center and Public Citizen, "Individuals with serious mental illnesses account for 58 percent of our direct costs for all mental illness. However, only 5.8 percent of the NIMH budget funds 'clinically relevant' studies."

I have no doubt that those receiving those NIH funds will conclude that their research is valid, but when I talk to Americans with mental health issues and mental illnesses, I want to be able to tell them that we are committing NIH funds to studying serious mental health issues.

□ 1545

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman for bringing this important amendment forward. Every once in a while you just have to stand back and say, hey, you have gone too far here, and studying dorm room walls to see if the paintings or the decorations on them say something about the health of the student or whatnot is just going too far.

I can look back at college and I can tell my colleagues my dorm room walls were pretty bare. It said one thing about me, that I was broke, and that is what most students are worried about in college, just getting through. To tell them that they are paying taxes and some of their taxes are going to study what they have put on their dorm room walls, as to what that tells about them, is simply absurd.

So I think every once in a while you have to step back and say we will have none of this; you have gone too far, the taxpayers deserve better.

I thank the gentleman for bringing it forward, and I urge support for the amendment.

Mr. NEUGEBAUER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Texas has 1½ minutes remaining.

Does the gentleman from Ohio (Mr. REGULA) seek the time in opposition?

Mr. REGULA. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to commend the gentleman from Texas for working with me. I would like to commend the gentleman and thank the gentleman for the advance notice seeking to rescind funding for a competitive grant that has been awarded to a constituent of mine. I would like to, but I cannot because he did not have the common courtesy to advise me of that in advance.

Certainly, the gentleman portrays the amendment in a simplistic way, and I know that is certainly great fodder for an election-year press release, but I would say to the gentleman that the grant itself does have substance.

First about the scientist. Dr. Laura King, who is a constituent of mine at

Columbia, Missouri, I would like to put her curriculum vitae into the RECORD, Mr. Chairman, at this point.

LAURA A. KING, PH.D.

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Date of Birth: January 4, 1964, Dover, Ohio  
Academic Record & Honors

Ph.D.—1991 University of California, Davis,  
Psychology, with distinction  
M.A.—1990 University of California, Davis,  
Psychology

M.A.—1989 Michigan State University, Psychology, Phi Kappa Phi

A.B.—1986 Kenyon College, English Literature with High Honors & Distinction; Psychology with Distinction; summa cum laude, ranked 2nd in class; Phi Beta Kappa; Semi-finalist for the Mellon Fellowship in the Humanities, 1986; Awards for Outstanding Junior English Major (1985) and Outstanding Senior Psychology Major (1986)

Research Grants Awarded

NIMH/FIRST Award MH54142 \$475,728.00, 1995-2000 "Goals, Identity, and Meaning in Life"

NIMH 2R01MH054142-06A2 (same grant, different name) "Goals, Memory, and Self-Regulation", 2002-2005; \$450,000

Templeton Prize in Positive Psychology, \$50,000 (including \$35,000 unrestricted research grant)

Awards

Chancellor's Award for Outstanding Research and Creative Activity in the area of Social and Behavioral Sciences, 2004, University of Missouri

Named a H.O.P.E. Professor for excellence in teaching, SMU, 2000

Maguire Teaching Fellow (for Teaching Ethics), SMU, 2000

The "M" Award presented by SMU for "sustained excellence," 1999

Mortar Board Senior Honor Society Faculty Appreciation Award, 1998

Rotunda Outstanding Faculty Teaching Award, SMU, 1996

Faculty Member of the Month Award, SMU Student Association, April, 1995

Professional Experience

2003-present—Professor, University of Missouri, Columbia

2001-2003—Associate Professor, University of Missouri, Columbia

1997-2001—Associate Professor, Southern Methodist University

1991-1997—Associate Professor, Southern Methodist University

1988-1991—Teaching Assistant and Instructor, University of California, Davis

1988—Graduate Assistant, Murray Lectures Committee, M.S.U.

1986-1988—Teaching Assistant, Michigan State University

1984-1986—Writing Clinic Tutor, English Department, Kenyon College

Professional Affiliations

Society for Personology (Elected for membership, 2004); Association for Research in Personality—elected Member At Large, 2002; American Psychological Association; APA Division 8; American Psychological Society; Midwestern Psychological Association; Society of Experimental Social Psychology; International Society for Self and Identity

Editorial Activities

Associate Editor, Journal of Personality and Social Psychology 1999-2003

Associate Editor, Personality and Social Psychology Bulletin 1998-1999



Guest Co-editor, with Kennon Sheldon American Psychologist: Special Section on Positive Psychology, 2001; Guest Editor, Journal of Personality: Special Section: Personality Development and Personal Growth, 2002; Editorial Board, Journal of Personality, 1996-2003; Journal of Personality and Social Psychology, 1997-1999; Ad hoc Reviewer, Psychological Bulletin, Psychological Review, Personality and Social Psychology Bulletin Journal of Abnormal Psychology, Social Cognition, Journal of Research in Personality, Basic and Applied Social Psychology, Journal of Social and Personal Relationships, Psychological Science

#### Grant Review Panels

National Institutes of Health Panel RPHG-4, 1999-2003 SPIP, 2003-present; Special emphasis panels, 3/2000, 7/2000

#### PUBLICATIONS

##### Articles

Scollon, C.N., & King, L.A. (2004). Is the good life the easy life? *Social Indicators Research* 68, 127-162.

Twenge, J.M., & King, L.A. (in press). A good life is a personal life: Relationship fulfillment and work fulfillment in judgments of life quality. *Journal of Research in Personality*.

King, L.A., & Raspin, C. (2004). Lost and found possible selves, well-being and ego development in divorced women. *Journal of Personality*, 72, 603-631.

Burton, C.M., & King, L.A. (2004). The health benefits of writing about peak experiences. *Journal of Research in Personality*, 38, 150-163.

King, L.A., & Smith, S.N. (2004). Happy, mature, and gay: Intimacy, power, and difficult times in coming out stories. *Journal of Research in Personality*, in press.

King, L.A., & Smith, N.G. (2004). Gay and straight possible selves: Goals, identity, subjective well-being, and personality development. *Journal of Personality*, 72, 967-994.

King, L.A. (2003). The Mysterious and Audacious World of Melanie Klein. *Contemporary Psychology*, 48.

King, L.A. (2003). Money really doesn't buy happiness. *Analyses of Social Issues and Public Policy*.

King, L.A. (2003). Some truths behind the trombones? *Psychological Inquiry*, 128-131. Invited commentary on Lazarus.

Singer, J.A., King, L.A., Green, M.C., & Barr, S.C. (2002). Personal Identity and Civic Responsibility: "Rising to the Occasion" Narratives and Generativity in Community Action Student Interns. *Journal of Social Issues* 58, 535-556.

King, L.A. (2002). Personal growth and personality development: A foreword to the special section. *Journal of Personality*, 70, 1-4

King, L.A. (2001). The health benefits of writing about life goals. *Personality and Social Psychology Bulletin*, 27, 798-807.

Sheldon, K., & King, L.A. (2001). Why positive psychology is necessary. (foreword to the special section). *American Psychologist*, 56, 216-217.

King, L.A. (2001). The hard road to the good life: The happy, mature person. *The Journal of Humanistic Psychology*, Special Issue on Positive Psychology, 41, 51-72.

King, L.A., & Patterson, C. (2000). Reconstructing life goals after the birth of a child with Down Syndrome: Finding happiness and growing. *International Journal of Rehabilitation and Health*, 5, 17-30.

King, L.A. (2000). Why happiness is good for you: A commentary on Fredrickson. *Prevention and Treatment*, 3, Article 4. Available on the World Wide Web: <http://journals.apa.org/prevention/volume3/pre0030004c.html>.

King, L.A., Scollon, C.K., Ramsey, C.M., & Williams, T. (2000). Stories of life transition:

Happy endings, subjective well-being, and ego development in parents of children with Down Syndrome. *Journal of Research in Personality*, 34, 509-536.

King, L.A., & Miner, K.N. (2000). Writing about the perceived benefits of traumatic life events: Implications for physical health. *Personality and Social Psychology Bulletin*, 26, 220-230.

Pennebaker, J.W., & King, L.A. (1999). Linguistic Styles: Language use as an individual difference. *Journal of Personality and Social Psychology*, 77, 1296-1312.

King, L.A. (1998). Ambivalence over emotional expression and reading emotions in situations and faces. *Journal of Personality and Social Psychology*, 74, 753-762.

King, L.A., & Napa, C. (1998). What makes a life good? *Journal of Personality and Social Psychology*, 75, 156-165.

King, L.A., Richards, J., & Stemmerich, E.D. (1998). Daily goals, life goals, and worst fears: Means, ends, and subjective well-being. *Journal of Personality*, 66, 713-744.

King, L.A., & Pennebaker, J.W. (1998). What's so great about feeling good? *Psychological Inquiry*, 9, 53-56. (Invited commentary on Ryff & Singer).

King, L.A., & Broyles, S. (1997). Wishes, gender, personality, and well-being. *Journal of Personality*, 65, 50-75.

King, L.A., & Williams, T. (1997). Goal orientation and performance in the martial arts. *Journal of Sport Behavior*, 20, 397-411.

King, L.A., McKee-Walker, L., & Broyles, S. (1996). Creativity and The Five Factor Model. *Journal of Research in Personality*, 30, 189-203.

King, L.A. (1996). Who is regulating what and why? The motivational context of self-regulation. *Psychological Inquiry*, 7, 57-61. (Invited commentary on Baumeister & Heatherton).

King, L.A. (1995). Wishes, motives, goals, and personal memories: Relations and correlates of measures of human motivation. *Journal of Personality*, 63, 985-1007.

King, L.A. (1993). Emotional expression, conflict over expression, and marital satisfaction. *Journal of Social and Personal Relationships*, 10, 601-607.

King, L.A., Emmons, R.A., & Woodley, S. (1992). The structure of inhibition. *Journal of Research in Personality*, 26, 85-102.

King, L.A., & Emmons, R.A. (1991). Psychological, physical and interpersonal correlates of emotional expressiveness, conflict and control. *European Journal of Personality*, 5, 131-150.

King, L.A., & Emmons, R.A. (1990). Conflict over emotional expression: Psychological and physical correlates. *Journal of Personality and Social Psychology*, 58, 864-877.

Emmons, R.A., & King, L.A. (1989). Personal striving differentiation and affective reactivity. *Journal of Personality and Social Psychology*, 56, 478-484.

Emmons, R.A., & King, L.A. (1988). Conflict among personal strivings: Immediate and long-term implications for psychological and physical well-being. *Journal of Personality and Social Psychology*, 48, 1040-1048.

#### Chapters

King, L.A., Eells, J.E., & Burton, C.M. (2004). The good life, broadly defined. In A. Linley, & S. Joseph, (Eds.), *Positive Psychology In Practice*. (pp. 35-52). New Jersey: John Wiley and Sons.

King, L.A. (2003). Measures and meanings: The use of qualitative data in social and personality psychology. In C. Sansone, C. Morf, & A. Panter, *Handbook of Methods in Social Psychology*, (pp. 173-194). NY: Sage.

King, L.A., & Burton, C.M. (2003). The Hazards of Goal Pursuit. In E. Chang & L. Sanna (Eds.), *Virtue, Vice and Personality: The Complexity of Behavior*. (pp. 53-70). Washington, D.C.: APA.

King, L.A. (2002). Gain Without Pain: Expressive Writing and Self Regulation. In S.J. Lepore & J. Smythe (Eds.), *The Writing Cure*, Washington, D.C.: American Psychological Association.

King, L.A. (1998). Personal goals and personal agency: Linking everyday goals to future images of the self. In M. Kofta, G. Weary, and G. Sedek (Eds.), *Personal Control in Action: Cognitive and Motivational Mechanisms* (pp. 109-128). New York City, NY: Plenum.

King, L.A., & Emmons, R.A. (2000). The assessment of motivation. In A.E. Kazdin (Ed.), *Encyclopedia of Psychology*, Vol. 5. (pp. 320-324). New York: American Psychological Association and Oxford University Press.

King, L.A., & Napa, C. (1999). Ambivalence. In D. Levinson, J. Ponzetti, & P. F. Jorgensen (Eds.), *The Encyclopedia of Human Emotions*, New York, NY: MacMillan Reference.

King, L.A., & Pennebaker, J.W. (1997). Thinking about goals, glue, and the meaning of life. In R.S. Wyer, Jr. (Ed.), *Advances in Social Cognition* (pp. 97-105). Hillsdale, NJ: Lawrence Erlbaum Associates.

Emmons, R.A., King, L.A., & Sheldon, K. (1992). Goal Conflict and the Self-Regulation of Action. In D. M. Wegner and J. W. Pennebaker (Eds.), *Handbook of Mental Control* (pp. 528-551). Englewood Cliffs, NJ: Prentice Hall.

Emmons, R.A., & King, L.A. (1992). Thematic analysis, experience sampling, and personal goals. In C.P. Smith (Ed.), *Thematic content analysis for motivation and personality research* (pp. 73-86). New York: Cambridge University Press.

Emmons, R.A., & King, L.A. (1989). On the personalization of motivation. In T.K. Srull & R.S. Wyer, Jr. (Eds.), *Advances in social cognition* (V. 2., pp. 111-122). Hillsdale, NJ: Erlbaum.

#### Manuscripts Under Review

King, L.A. Happy endings.

King, L.A., Hicks, J.A., Baker, A.K., & Krull, J. Positive affect and the experience of meaning

King, L.A. & Eells, J.E. Older but wiser, and happier and nicer: Folk concepts of maturity.

Lyubomirsky, S., King, L.A., & Diener, E. The benefits of positive emotion.

King, L.A., Baker, A.K., & Burton, C.M. The relocation of joy: Rediscovering happiness after a life transition.

#### Manuscripts In Preparation

King, L.A., Hicks, J., & Burton, C. Self disclosure vs. self construction: Reconsidering the healing power of writing

King, L.A., & Williams, T. Enacting a life dream: Implications for daily experience, and psychological and physical well-being.

King, L.A., & Kennedy, T.D. What they did for love: Generativity, subjective well-being and the career narratives of professional dancers.

King, L.A., & Marquis, J. Making a contribution: Changing life goals, generativity, and subjective well-being in infertile individuals.

King, L.A. The consequences and correlates of the pursuit of happiness.

Williams, T., King, L.A., & Eells, J. Are important goals difficult? Person X Appraisal Interactions in Personal Goals.

Drigotas, S.M., & King, L.A. Intuition, emotional intelligence, and social functioning.

#### PRESENTATIONS

##### Invited Colloquia and Talks

King, L.A. (2004, May). Who I am and who I was: Stories of the discovery and construction of meaning in life transitions. Presented

in Symposium entitled "Second Changes in Life: Transformative Stories of Self and Society." Dan McAdams, Chair. Foley Center for the Study of Lives, Northwestern University.

King, L.A. (2004, April). Happiness and the Meaningful Life. Keynote Speaker Address. Michigan Undergraduate Research Conference. Kalamazoo College.

King, L.A. (2004, April). Stories of Life Transition: Implications for Happiness and Personality Development. Kenyon College, Gambier, OH.

King, L.A. (2004, April). Writing for Our Lives: Implications for psychological and physical health. Kenyon College, Gambier, OH.

King, L.A. (2003, May). A Meaningful Life: The positive psychology approach to the Life Story. Psi Chi Distinguished Speaker Presentation. Midwestern Psychological Association Convention. Chicago, IL.

King, L.A. (2002, October). In favor of happy endings. Presented at the International Positive Psychology Summit, Washington, D.C.

King, L.A. (August, 2002). All that ends well really is well. Invited address, presented at a Presidential Symposium. American Psychological Association, Chicago, IL. Martin Seligman, Chair.

King, L.A. (2002, February). The relative weight of work and family in judgments of life quality. University of Maryland, College Park, MD.

King, L.A. (2001, December). The Articulated Self: Writing, revising and reinventing the life story. University of Pennsylvania, Philadelphia, PA.

Twenge, J., & King, L.A. (2001, October). A good life is a good personal life. University of Illinois, Urbana-Champaign.

King, L.A. (2001, February). Goals, stories, and the meaning of life. University of Missouri, Columbia, MO.

King, L.A. (2001, February). Healthy Pleasures. Two talks, plus discussion presented as part of SMU's Godbey Lecture Series, Looking on the Bright Side of Life, with Mike McCullough.

King, L.A. (2000, April). Trivial Pursuits and Magnificent Obsessions: The Role of Life Goals in Happiness, Health, and Maturity. University of North Carolina, Chapel Hill, NC.

King, L.A. (2000, Spring). The Psychology of the Good Life. Godbey Lecture Series, Southern Methodist University. A series of four lectures, plus discussion, presented in Dallas, TX.

King, L.A. (2000, February). Are only bad things good for us? University of Texas at Austin.

King, L.A. (2000, February). Lost and found possible selves: The role of what might have been in subjective well-being and personality development. Presented at the First Annual Personality Preconference, The Society for Personality and Social Psychology Conference. Nashville, TN.

King, L.A. (1999, October) Reconstructing the future: Personal growth, subjective well-being, and physical health in response to life changing events. Iowa Psychological Association Convention, Pella, IA.

King, L.A. (1999, November). Lost and Found Possible Selves: Implications for Well-being and Maturity. Feminist Reading Group, Southern Methodist University. Dallas, TX.

King, L.A. (1999, April). What the stories we tell say about us: Subjective well-being and personal growth. University of Texas at Dallas.

King, L.A. (1998, February). A psychology of Goya's Los Caprichos. Meadows Museum of Art. Southern Methodist University, Dallas, TX.

King, L.A., & Napa, C. (1997, April). What makes life worth living? Presented at the

Midwestern Psychological Association Convention, Chicago, IL.

King, L.A. (1996, October). Emotional disclosure: Basic mechanisms and re-writing the life story. Universidad Autonoma de Mexico (UNAM), Mexico City.

King, L.A. (1996, March). Personal goals and personal development: Becoming the people we want to be. Southern Methodist University, Dallas, TX.

King, L.A. (1996, February). Daily goals and best possible selves: Implications for Subjective well-being. University of Michigan, Ann Arbor, MI.

King, L.A. (1996, April). Personal strivings, possible selves and the meaning of life. Invited paper presented at the Southwestern Psychological Association Convention, San Antonio, TX.

King, L.A. (1995, December). Goals, wishes, and ultimate life dreams: Explorations in personality and motivation. The University of Houston, Houston, TX.

King, L.A. (1994, September). Goal conflict, ambivalence and psychological well-being. Department of Psychiatry, Universitat Ulm and the Psychiatric Hospital at Weissenau, Germany.

King, L.A. (1994, September). Linking current goals to future images of the self: Implications for well-being and goal progress. Presented at an invited conference entitled "Issues in Personal Agency." The University of Warsaw, Poland. M. Kofta, G. Weary, and G. Sedek, Organizers.

King, L.A. (1994, December). Personal strivings and the imagined future self: Implications for subjective well-being. The University of Texas-El Paso, El Paso, TX.

King, L.A. (1993, November). Ambivalence over emotional expression and the interpretation of emotional stimuli. Texas A&M University, Bryan-College Station, TX. Symposia Organized

King, L.A. Chair (2000, October). Happiness, Optimism, Hope and Maturity: A social psychology of human strengths. Society of Experimental Social Psychology. Contributors: Ed Diener & Carol Nickerson, Sonja Lyubomirsky, C. R. Snyder, and Laura King. Selected Conference Papers

King, L.A., Baker, A. K., Velasquez, L., & Burton, C. M. (2004). Changes, happiness, and maturity, APA.

King, L.A. & Baker, A. K. (2003). The Relocation of Joy: American Psychological Association Convention.

King, L.A. (2002, April). Writing and revising your way to health and happiness. Presented at the SPAM Meeting, Columbia, MO.

King, L.A. (2002, February). The self looks upon itself transformed: Narrative explorations in self change. Society for Personality and Social Psychology, in a symposium entitled "Self Perception." Savannah, GA.

King, L.A. (1999, January). If it's positive, it must be an illusion. Presented at the First Annual Invited Conference of Positive Psychology, Akumal, Mexico.

King, L.A. (1998, June). Stories of life transitions: Happy endings and subjective well-being. Presented at the Nags Head Conference on Personality and Social Behavior.

King, L.A. (1997, August). Doesn't everybody just want to be happy? Presented in a symposium entitled, "Looking on the Bright Side" C. Langston, Chair. 105th Annual Convention of the American Psychological Association. Chicago.

King, L.A. (1997, July). Finding meaning in traumatic events: Implications for physical well-being. Presented in a symposium entitled "Trauma: Social, Clinical, and Personality Perspectives" Luc Vandenberg, Chair. 4th annual European Congress of Psychology, Dublin, Ireland.

King, L.A. (1995, June). Linking current goals to future images of the self: The case of

Pre-med students. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. (1994, August). Implicit and Self-Attributed Motives: Relations to Private Wishes, Worst Fears, and Awareness. Paper presented in a symposium entitled, "Implicit and Explicit Motivation." W. Fleeson, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, August). Personal strivings and ultimate life goals: Linking the present with the future. Presented in a symposium entitled, "Goals Units in Personality: Development and Change of Personal Goals." C. Langston, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, June). Personal goals and personal development: Development as a deliberate process. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. & Whitmore, J. (1993, April). Ambivalence over Emotional Expression and Interpretation of Emotional Stimuli. Paper presented at the 65th Annual Convention of the Midwestern Psychological Association. Chicago, IL.

King, L.A. (1992, August). Intrapsychic Conflict and Self-destructive Behavior: A Vicious Circle. Presented at Symposium entitled "Self-Destructive Behavior: Clinical, Social and Personality Perspectives" R. A. Emmons, Chair. American Psychological Association Convention, Washington, D.C.

King, L.A. (1992, May). Autonomic Correlates of Writing about Emotion. Presented at the Nags Head Conference on Affect and Cognition, Highland Beach, FL.

King, L.A. (1992, May). Goals and Motives to Achieve: Motivational Contributions to Performance. Paper presented at the Midwestern Psychological Association. Chicago, IL.

Selected Recent Poster presentations

King, L.A., Scollon, C. K., & Eells, J. (2001, February). Counting our blessings: Gratitude, mood and well-being. Presented at the Society for Personality and Social Psychology. San Antonio, TX.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Reclaiming agency: Motivational themes in the autobiographical memories of divorced women. Presented at the American Psychological Association Convention, Washington, D.C.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Mature, happy and gay: Exploring healthy adulthood via coming out stories. Presented at the American Psychological Association Convention, Washington, D.C.

Patterson, C., & King, L.A. (1999, August). The lost and found possible selves of parents of children with Down Syndrome: Implications for psychological well-being. Presented at the American Psychological Association Convention, Washington, D.C.

Meier, J. A., & King, L.A. (1999, May). Emotional writing in infertile women: Psychological distress and conception. Paper presented at the Midwestern Psychological Association Convention, Chicago, IL.

Napa, C. K., & King, L.A. (1999, May). Is the good life the easy life? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

Scollon, T. B., & King, L.A. (1998, August). Psychological responses to life goal change. Presented at the 106th Annual APA Convention. San Francisco, CA.

Napa, C. K., & King, L.A. (1998, May). Admirable Lives. Midwestern Psychological Association Convention. Chicago, IL.

Fisk, L., & King, L.A. (1998, May). Best and lost possible selves: Psychological well-being

in injured athletes. *Midwestern Psychological Association Convention*. Chicago, IL. Miner, K., & King, L.A. (1996, August). Writing about traumatic events and recovery: Implications for psychological and physical well-being. Presented at the 104th Annual Convention of the American Psychological Association. Toronto, Canada.

King, L.A. (1995, August). Ambivalence over emotional expression in survivors of sexual trauma. Presented at the 103rd Annual Convention of the American Psychological Association. Los Angeles, CA.

Counseling Experience & Community Service  
2002—PRISM Board Member (Columbia, MO Gay-Straight Teen Alliance)

1993-1995—Literacy Volunteers of America (LVA), literacy tutor in Dallas County

1993-present—Certified to train literacy tutors

1993—LVA Dallas Curricular Review Board Member

1989 to 1991—Certified HIV test counselor Davis, CA, Davis Community Clinic

Teaching Interests

Undergraduate courses taught: Personality Psychology; Introductory Psychology; Social Psychology; Personality and Social Development; The Person in Psychology and Literature (in the SMU in Oxford program); The Psychology of Sexual Behavior; Research Design; Graduate courses taught: The Psychology of Character (awarded the Maguire Teaching Fellowship for courses in Ethics); Research Design; Quantitative methods II: Multivariate Statistics; Contemporary Approaches to Social Psychology; Additional interests: Health Psychology, The Psychology of Emotion; Contemporary Issues in Personality; The Storied Self; Graduate Seminar in Personality; Undergraduate Statistics for Psychology; Honors Introduction to Psychology.

In addition, of course, to the many awards, she was most recently awarded the University of Missouri's Chancellor's Award for outstanding research and creativity activity in the area of social and behavioral sciences, not to mention the fact that the scientific field has recognized her because of this important work with the American Psychological Association, Templeton Positive Psychology Prize.

In addition, as the curriculum vitae will indicate, Dr. King has had 30 separate presentations. She is preparing seven manuscripts in preparation, five manuscripts under review, 11 chapters and manuscripts already published, and 34 published articles; but particularly as it relates to the substance of the study, this study has relevance to the prevention of mental disorders, just as the gentleman says that he professes that he supports.

Giving patients tools to alleviate depression could minimize the development of other chronic health conditions that flow from depression. Specifically, I would say that studies have shown prevalence of depression and severe psychological problems among college students is growing. Sixty-one percent have reported feeling hopeless; 45 percent felt so depressed they could barely function; 9 percent felt suicidal.

Perhaps that is not of relevance or significance to my colleague, but I certainly would say to him that the average age of diagnosis for bipolar disorder is 21, and 27 years for unipolar de-

pression, and 5 percent of college students drop out of college due to psychiatric disorders.

So, again, I recognize that the gentleman wants to talk about being fiscally responsible, and certainly Congress has a prerogative to exercise congressional oversight, but I would just say to the gentleman, as it relates specifically to the funding and the study specifically, that that is a legitimately peer-reviewed award by the National Institutes of Health, a grant was competitively sought, that was, in fact, awarded to a very distinguished scientist in this particular field, and I would urge a "no" vote on the gentleman's amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Ohio (Chairman REGULA) for yielding me time.

Mr. Chairman, I would also like to say very rarely, if ever, have I ever disagreed with my friend from Texas (Mr. NEUGEBAUER) before, but I do oppose this amendment today.

The intent of this amendment is to ensure that the National Institutes of Health is prudent about which grants are funded through their peer-review process. While I agree with this intent, I do not think the amendment accomplishes that goal.

For instance, the University of Texas grant currently under discussion has already been funded and completed in previous fiscal years. Furthermore, any discussions about follow-up funding do not pertain to the Labor-HHS appropriations bill currently under consideration.

This project has received funding for a second study, but it was awarded by the National Science Foundation in the VA-HUD appropriations bill, which has not yet been brought to the House floor for consideration.

Mr. Chairman, I encourage my colleagues to vote against this amendment and instead focus our efforts on reforming the National Institutes of Health grant selection process.

Mr. NEUGEBAUER. Mr. Chairman, can I inquire how much time I have left.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining, and the gentleman from Ohio has the right to close.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the Neugebauer amendment as a commonsense statement about what I think the American people would have us do in this majority, and that is, after allowing our dis-

tinguished appropriators to do their level best in producing legislation that the gentleman from Ohio (Chairman REGULA) has produced is to come to this floor and in the absence of a Presidential line item veto to try and do that ourselves.

The amendment in particular of the gentleman from Texas (Mr. NEUGEBAUER) in focusing, as it does, on funding that would in one case explore the value and merit of dormitory decorations is precisely that which, I believe if the President had a line item veto, would be struck from legislation again and again.

The gentleman from Texas (Mr. NEUGEBAUER) is new to this institution, but he is demonstrating a courage and a conviction and, more to the point, a common sense that I think is a great value to this institution. I rise with great respect to the members of the committee who have produced this important and meritorious legislation to strongly support the Neugebauer amendment.

Bring common sense back to the spending process. Pass the Neugebauer amendment today.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 30 seconds remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the remaining time.

Well, first of all, I want to thank the distinguished chairman for his hard work in bringing this bill forward. It is a good bill.

I believe that we do have to bring some common sense to this process, and we have to be good stewards of the American taxpayers' money, and there are some serious mental health issues that need to be addressed in this country. Our charge as Members of this Congress is to prioritize how we spend that money and make sure that we are putting it into areas where there are serious mental health issues at risk.

Certainly, I think that this amendment is very positive and would encourage Members to vote in support of this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I am not going to oppose this in a vote because the grants are over. They have been completed. The amendment does not have any impact, in essence; but I think the gentleman is trying to make a point that they ought to be cautious about what type of grants they fund.

I would point out that NIH funds almost 40,000 grants annually; and, obviously, when you look at 40,000, you can find a couple that you might have some question about the efficacy of those particular grants, but on the other hand, I would not want to get our committee or this body in the position of trying to monitor or to be in the decision-making process on what grants are funded.

We have very capable people at NIH. It is peer-reviewed by physicians, by people who are very knowledgeable on

the subject; and the objective of many of these grants is ultimately in good faith to, in some way, improve the health conditions. But given the fact that they are over with, I am not going to object to the amendment.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment by Mr. OBEY of Wisconsin; amendment No. 6 by Mr. HAYWORTH of Arizona; amendment by Mr. KILDEE of Michigan; amendment by Mr. STARK of California; amendment No. 3 by Mr. PAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 18, as follows:

[Roll No. 434]

AYES—223

Abercrombie	Costello	Gonzalez
Ackerman	Cramer	Gordon
Allen	Crowley	Green (TX)
Andrews	Cummings	Grijalva
Baca	Davis (AL)	Gutierrez
Baird	Davis (CA)	Harman
Baldwin	Davis (FL)	Hastings (FL)
Becerra	Davis (IL)	Herseth
Bell	Davis (TN)	Hill
Berkley	DeFazio	Hinchev
Berman	DeGette	Hinojosa
Berry	Delahunt	Hoefel
Bishop (GA)	DeLauro	Holden
Bishop (NY)	Deutsch	Holt
Blumenauer	Dicks	Honda
Boehlert	Dingell	Hooley (OR)
Boswell	Doggett	Hoyer
Boucher	Dooley (CA)	Insee
Boyd	Doyle	Israel
Brady (PA)	Edwards	Jackson (IL)
Brown (OH)	Emanuel	Jackson-Lee
Brown, Corrine	Emerson	(TX)
Butterfield	Engel	Jefferson
Capito	English	John
Capps	Eshoo	Johnson (IL)
Capuano	Etheridge	Johnson, E. B.
Cardin	Evans	Jones (NC)
Cardoza	Farr	Jones (OH)
Carson (IN)	Fattah	Kaptur
Carson (OK)	Ferguson	Kelly
Case	Filner	Kennedy (RI)
Chandler	Ford	Kildee
Clay	Frank (MA)	Kilpatrick
Conyers	Frost	Kind
Cooper	Gephardt	King (NY)

Klecza	Miller, George	Scott (GA)
Kucinich	Mollohan	Scott (VA)
LaHood	Moore	Serrano
Lampson	Moran (VA)	Sherman
Langevin	Murphy	Simmons
Lantos	Murtha	Skelton
Larsen (WA)	Nadler	Slaughter
Larson (CT)	Napolitano	Smith (NJ)
LaTourette	Neal (MA)	Smith (WA)
Leach	Nussle	Snyder
Lee	Oberstar	Solis
Levin	Obey	Spratt
Lewis (GA)	Olver	Stark
Lipinski	Ortiz	Stenholm
LoBiondo	Owens	Strickland
Lofgren	Pallone	Stupak
Lowe	Pascrell	Sweeney
Lucas (KY)	Pastor	Tanner
Lynch	Payne	Tauscher
Maloney	Pelosi	Taylor (MS)
Markey	Peterson (MN)	Thompson (CA)
Marshall	Pomeroy	Thompson (MS)
Matheson	Price (NC)	Tierney
Matsui	Rahall	Towns
McCarthy (MO)	Rangel	Turner (TX)
McCarthy (NY)	Reyes	Udall (CO)
McCollum	Rodriguez	Udall (NM)
McCotter	Ross	Upton
McDermott	Rothman	Van Hollen
McGovern	Roybal-Allard	Ruppersberger
McHugh	Ruppersberger	Rush
McIntyre	Rush	Velázquez
McNulty	Sabo	Visclosky
Meehan	Sánchez, Linda	Watson
Meek (FL)	T.	Watt
Meeks (NY)	Sanchez, Loretta	Waxman
Menendez	Sanders	Weiner
Michaud	Sandlin	Wexler
Millender-	Saxton	Woolsey
McDonald	Schakowsky	Wu
Miller (NC)	Schiff	Wynn

NOES—193

Aderholt	Dunn	Linder
Akin	Ehlers	Manzullo
Alexander	Everett	McCrery
Bachus	Feeney	McInnis
Baker	Flake	McKeon
Barrett (SC)	Foley	Mica
Bartlett (MD)	Forbes	Miller (FL)
Barton (TX)	Fossella	Miller (MI)
Bass	Franks (AZ)	Miller, Gary
Beauprez	Frelinghuysen	Moran (KS)
Biggett	Galleghy	Musgrave
Bilirakis	Garrett (NJ)	Myrick
Bishop (UT)	Gerlach	Neugebauer
Blackburn	Gibbons	Ney
Blunt	Gilchrest	Northup
Boehner	Gillmor	Norwood
Bonilla	Gingrey	Nunes
Bonner	Goode	Osborne
Bono	Goodlatte	Ose
Boozman	Granger	Otter
Bradley (NH)	Graves	Oxley
Brady (TX)	Green (WI)	Paul
Brown (SC)	Gutknecht	Pearce
Brown-Waite,	Hall	Pence
Ginny	Harris	Peterson (PA)
Burgess	Hart	Petri
Burns	Hastert	Pickering
Burr	Hastings (WA)	Pitts
Burton (IN)	Hayes	Platts
Buyer	Hayworth	Pombo
Calvert	Hefley	Porter
Camp	Hensarling	Portman
Cantor	Herger	Pryce (OH)
Carter	Hobson	Putnam
Castle	Hoekstra	Radanovich
Chabot	Hostettler	Ramstad
Chocola	Houghton	Regula
Coble	Hulshof	Rehberg
Cole	Hunter	Renzi
Collins	Hyde	Reynolds
Cox	Isakson	Rogers (AL)
Crane	Issa	Rogers (KY)
Crenshaw	Istook	Rogers (MI)
Cubin	Jenkins	Rohrabacher
Culberson	Johnson (CT)	Ros-Lehtinen
Cunningham	Keller	Royce
Davis, Jo Ann	Kennedy (MN)	Ryan (WI)
Davis, Tom	King (IA)	Ryun (KS)
Deal (GA)	Kingston	Sensenbrenner
DeLay	Kirk	Sessions
DeMint	Kline	Shadegg
Diaz-Balart, L.	Knollenberg	Shaw
Diaz-Balart, M.	Kolbe	Shays
Doolittle	Latham	Sherwood
Dreier	Lewis (CA)	Shimkus
Duncan	Lewis (KY)	Simpson

Smith (MI)	Thornberry	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Souder	Tiberi	Whitfield
Stearns	Turner (OH)	Wicker
Sullivan	Vitter	Wilson (NM)
Tancredo	Walden (OR)	Wilson (SC)
Taylor (NC)	Walsh	Wolf
Terry	Wamp	Young (FL)
Thomas	Weldon (FL)	

NOT VOTING—18

Ballenger	Kanjorski	Schrock
Cannon	Lucas (OK)	Shuster
Clyburn	Majette	Tauzin
Goss	Nethercutt	Toomey
Greenwood	Quinn	Waters
Johnson, Sam	Ryan (OH)	Young (AK)

□ 1621

Mrs. CUBIN changed her vote from “aye” to “no.”

Ms. HARMAN and Mr. MURPHY changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MAJETTE. Mr. Chairman, I was unavoidably detained during the vote on the Obey amendment to the Labor, HHS, Education Appropriations bill for FY 2005. Had I been present for the vote on the Obey amendment to protect overtime I would have voted “yes.”

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to clause 6 of rule XVII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 21, as follows:

[Roll No. 435]

AYES—185

Aderholt	Brady (TX)	Crane
Akin	Brown (SC)	Crenshaw
Alexander	Brown-Waite,	Cubin
Bachus	Ginny	Culberson
Baker	Burgess	Cunningham
Barrett (SC)	Burns	Davis (AL)
Bartlett (MD)	Burr	Davis, Jo Ann
Barton (TX)	Buyer	Davis, Tom
Bass	Calvert	Deal (GA)
Beauprez	Camp	DeLay
Biggett	Cantor	DeMint
Bilirakis	Capito	Diaz-Balart, L.
Bishop (UT)	Carson (OK)	Diaz-Balart, M.
Blackburn	Carter	Doolittle
Blunt	Castle	Dreier
Boehner	Chabot	Duncan
Bonilla	Chocola	Dunn
Bonner	Coble	Emerson
Bono	Cole	English
Boozman	Collins	Everett
Boyd	Cox	Feeney
Bradley (NH)	Cramer	Flake

Foley  
Forbes  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Granger  
Graves  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hensarling  
Herger  
Herseeth  
Hobson  
Hostettler  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Jenkins  
John  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
Kingston  
  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Manzullo  
Matheson  
McCotter  
McCrary  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (MN)  
Pickering  
Pomeroy  
Portman

Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Royce  
Ryun (KS)  
Sessions  
Shadegg  
Shaw  
Sherwood  
Simpson  
Smith (MI)  
Smith (TX)  
Souder  
Stupak  
Sullivan  
Tancredo  
Tanner  
Taylor (MS)  
Taylor (NC)  
Thornberry  
Tiahrt  
Tiberi  
Vitter  
Walden (OR)  
Wamp  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Young (FL)  
  
Ruppersberger  
Rush  
Ryan (WI)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Sessions  
Serrano  
Shaw  
Sherman  
Shimkus  
Simmons  
  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Sweeney  
Tauscher  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tierney  
Townes  
Turner (OH)  
Turner (TX)

NOT VOTING—21

Ballenger  
Cannon  
Delahunt  
Gephardt  
Goss  
Greenwood  
Istook  
  
Kanjorski  
Klecza  
Lucas (OK)  
Moran (KS)  
Nethercutt  
Quinn  
Ros-Lehtinen  
  
Ryan (OH)  
Schrock  
Shuster  
Tauzin  
Terry  
Toomey  
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1630

Ms. DUNN changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KILDEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 17, as follows:

[Roll No. 436]

AYES—413

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boehlert  
Boswell  
Boucher  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Burton (IN)  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Case  
Chandler  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Edwards  
Ehlers  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
  
Farr  
Fattah  
Ferguson  
Filner  
Ford  
Fossella  
Frank (MA)  
Frost  
Gibbons  
Gonzalez  
Gordon  
Green (TX)  
Green (WI)  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hefley  
Hill  
Hinchey  
Hinojosa  
Hofstad  
Hoekstra  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Insee  
Israel  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murphy  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (PA)  
Petri  
Pitts  
Platts  
Pombo  
Porter  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard

Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Boehler  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Carter  
Case  
Castle  
Chabot

Chandler  
Chocola  
Clay  
Clyburn  
Coble  
Cole  
Collins  
Conyers  
Cooper  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Foley  
Forbes  
Ford  
Fossella  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Frost  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (TX)  
Green (WI)  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseeth  
Hill  
  
Hinchey  
Hinojosa  
Hobson  
Hoefel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley (OR)  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Insee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kirk  
Klecza  
Kline  
Knollenberg  
Kolbe  
Kucinich  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrary  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murphy  
Murtha  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder

Solis Thompson (MS) Waters  
 Souder Thornberry Watt  
 Spratt Tiahrt  
 Stark Tiberi  
 Stearns Tierney  
 Stenholm Towns  
 Strickland Turner (OH)  
 Stupak Turner (TX)  
 Sullivan Udall (CO)  
 Sweeney Udall (NM)  
 Tancred Upton  
 Tanner Van Hollen  
 Tauscher Velázquez  
 Taylor (MS) Visclosky  
 Taylor (NC) Vitter  
 Terry Walden (OR)  
 Thomas Walsh  
 Thompson (CA) Wamp

Grijalva Markey  
 Gutknecht Marshall  
 Hastings (FL) Matheson  
 Herseth Matsui  
 Hill McCarthy (MO)  
 Hinchey McCarthy (NY)  
 Hinojosa McCollum  
 Hoeffel McDermott  
 Holden McGovern  
 Holt McIntyre  
 Honda McNulty  
 Hooley (OR) Meehan  
 Hoyer Meeks (NY)  
 Inslee Menendez  
 Israel Michaud  
 Jackson (IL) Miller (NC)  
 Jackson-Lee Miller, George  
 (TX) Mollohan  
 Jefferson Moran (VA)  
 Johnson, E. B. Murtha  
 Jones (NC) Nadler  
 Jones (OH) Napolitano  
 Kaptur Neal (MA)  
 Kennedy (RI) Oberstar  
 Kildee Obey  
 Kilpatrick Olver  
 Kind Ortiz  
 Kleczka Owens  
 Kucinich Pallone  
 Lampson Pascrell  
 Langevin Pastor  
 Lantos Paul  
 Larsen (WA) Payne  
 Larson (CT) Pelosi  
 Lee Peterson (MN)  
 Levin Pomeroy  
 Lewis (GA) Price (NC)  
 Lipinski Rahall  
 Lofgren Rangel  
 Lowey Reyes  
 Lucas (KY) Rodriguez  
 Lynch Ross  
 Majette Rothman  
 Maloney Roybal-Allard

Ruppersberger Porter  
 Rush Portman  
 Sabo Pryce (OH)  
 Sánchez, Linda Putnam  
 T. Radanovich  
 Sanchez, Loretta Ramstad  
 Sanders Regula  
 Schakowsky Rehberg  
 Schiff Renzi  
 Scott (GA) Reynolds  
 Scott (VA) Rogers (AL)  
 Serrano Rogers (KY)  
 Sherman Rogers (MI)  
 Skelton Rohrabacher  
 Slaughter Ros-Lehtinen  
 Smith (WA) Royce  
 Solis Ryan (WI)  
 Spratt Ryun (KS)  
 Stark Sandlin  
 Stenholm Saxton

Sensenbrenner Thomas  
 Sessions Thornberry  
 Shadegg Tiahrt  
 Shaw Tiberi  
 Shays Turner (OH)  
 Sherwood Upton  
 Shimkus Vitter  
 Simmons Walden (OR)  
 Simpson Walsh  
 Smith (MI) Wamp  
 Smith (NJ) Weldon (FL)  
 Smith (TX) Weldon (PA)  
 Snyder Weller  
 Souder Whitfield  
 Stearns Wicker  
 Sullivan Wilson (NM)  
 Sweeney Wilson (SC)  
 Tancred Wolf  
 Taylor (NC) Young (FL)  
 Terry

NOES—3

Blunt Istook Kingston

NOT VOTING—17

Ballenger Kanjorski Schrock  
 Cannon Lucas (OK) Shuster  
 Delahunt Moran (KS) Tauzin  
 Gephardt Nethercutt Toomey  
 Goss Quinn Young (AK)  
 Greenwood Ryan (OH)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1638

Mr. SHIMKUS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STARK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. STARK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 195, noes 216, not voting 22, as follows:

[Roll No. 437]

AYES—195

Abercrombie Butterfield DeGette  
 Ackerman Capps DeLauro  
 Allen Capuano Deutsch  
 Andrews Cardin Dicks  
 Baca Cardoza Dingell  
 Baird Carson (IN) Doggett  
 Baldwin Carson (OK) Dooley (CA)  
 Becerra Case Doyle  
 Bell Chandler Edwards  
 Berkley Clay Emanuel  
 Berman Clyburn Engel  
 Berry Conyers Eshoo  
 Bishop (GA) Cooper Etheridge  
 Bishop (NY) Costello Evans  
 Blumenauer Cramer Farr  
 Boswell Crowley Fattah  
 Boucher Cummings Filner  
 Boyd Davis (AL) Frank (MA)  
 Bradley (NH) Davis (CA) Frost  
 Brady (PA) Davis (IL) Gonzalez  
 Brown (OH) Davis (TN) Gordon  
 Brown, Corrine DeFazio Green (TX)

Jefferson Johnson, E. B.  
 Jones (NC)  
 Jones (OH)  
 Kaptur  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 Kleczka  
 Kucinich  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Lee  
 Levin  
 Lewis (GA)  
 Lipinski  
 Lofgren  
 Lowey  
 Lucas (KY)  
 Lynch  
 Majette  
 Maloney

NOES—216

Aderholt  
 Akin  
 Alexander  
 Bachus  
 Baker  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Beauprez  
 Biggert  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Brady (TX)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Burgess  
 Burns  
 Burr  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Cantor  
 Capito  
 Carter  
 Castle  
 Chabot  
 Chocola  
 Coble  
 Hensarling  
 Herger  
 Hobson  
 Cox  
 Crane  
 Crenshaw  
 Cubin  
 Culberson  
 Cunningham  
 Davis (FL)  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeLay  
 DeMint

Johnson, Sam  
 Keller  
 Doolittle  
 Dreier  
 Duncan  
 Dunn  
 Ehlert  
 Emerson  
 English  
 Everrett  
 Feeney  
 Ferguson  
 Flake  
 Foley  
 Forbes  
 Fossella  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gibbons  
 Gilchrest  
 Gillmor  
 Gingrey  
 Goode  
 Goodlatte  
 Granger  
 Graves  
 Green (WI)  
 Hall  
 Harman  
 Harris  
 Hart  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Hensarling  
 Herger  
 Hobson  
 Hoekstra  
 Hostettler  
 Houghton  
 Hulshof  
 Hunter  
 Hyde  
 Isakson  
 Issa  
 Istook  
 Jenkins  
 Johnson (CT)  
 Johnson (IL)

NOT VOTING—22

Ballenger John Schrock  
 Cannon Kanjorski Shuster  
 Delahunt Lucas (OK) Tanner  
 Ford Moore Tauzin  
 Gephardt Moran (KS) Toomey  
 Goss Nethercutt Young (AK)  
 Greenwood Quinn  
 Gutierrez Ryan (OH)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that there are 2 minutes remaining to vote.

□ 1646

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 95, noes 315, not voting 23, as follows:

[Roll No. 438]

AYES—95

Aderholt Crane Herger  
 Akin Cubin Hoekstra  
 Barrett (SC) Culberson Hostettler  
 Bartlett (MD) Davis, Jo Ann Hunter  
 Biggert Deal (GA) Johnson (IL)  
 Bilirakis DeLay Jones (NC)  
 Bishop (UT) DeMint Kennedy (MN)  
 Blackburn Doolittle King (IA)  
 Bonner Duncan Kingston  
 Boozman Everrett Linder  
 Brady (TX) Feeney Manzullo  
 Brown-Waite, Flake McCotter  
 Ginny Forbes Miller (FL)  
 Burgess Franks (AZ) Miller (MI)  
 Burns Garrett (NJ) Miller, Gary  
 Burton (IN) Goode Musgrave  
 Camp Goodlatte Myrick  
 Cantor Graves Neugebauer  
 Chabot Green (WI) Norwood  
 Chocola Gutknecht Ose  
 Coble Hart Otter  
 Cole Hayes Paul  
 Collins Hefley Pence  
 Cox Hensarling Petri

Pitts Sensenbrenner  
Pombo Sessions  
Ramstad Shadegg  
Rogers (MI) Simpson  
Rohrabacher Smith (MI)  
Royce Souder  
Ryan (WI) Stearns  
Ryun (KS) Sullivan

## NOES—315

Abercrombie Ferguson  
Ackerman Filner  
Alexander Foley  
Allen Ford  
Andrews Fossella  
Baca Frank (MA)  
Bachus Frelinghuysen  
Baird Frost  
Baker Gallegly  
Baldwin Gerlach  
Barton (TX) Gibbons  
Bass Gilchrist  
Beauprez Gillmor  
Becerra Gingrey  
Bell Gonzalez  
Berkley Gordon  
Berman Granger  
Berry Green (TX)  
Bishop (GA) Grijalva  
Bishop (NY) Gutierrez  
Blumenauer Hall  
Blunt Harman  
Boehlert Harris  
Boehner Hastings (FL)  
Bonilla Hastings (WA)  
Bono Hayworth  
Boswell Herseth  
Boucher Hill  
Boyd Hinchey  
Bradley (NH) Hinojosa  
Brady (PA) Hobson  
Brown (OH) Hoeffel  
Brown (SC) Holden  
Brown, Corrine Holt  
Burr Honda  
Butterfield Hooley (OR)  
Buyer Houghton  
Calvert Hoyer  
Capito Hulshof  
Capps Hyde  
Capuano Inslee  
Cardin Isakson  
Cardoza Israel  
Carson (IN) Issa  
Carson (OK) Jackson (IL)  
Carter Jackson-Lee  
Case (TX)  
Castle Jefferson  
Chandler Jenkins  
Clay John  
Clyburn Johnson (CT)  
Conyers Johnson, E. B.  
Cooper Johnson, Sam  
Costello Jones (OH)  
Cramer Kaptur  
Crenshaw Keller  
Crowley Kelly  
Cummings Kennedy (RI)  
Cunningham Kildee  
Davis (AL) Kilpatrick  
Davis (CA) Kind  
Davis (FL) King (NY)  
Davis (IL) Kirk  
Davis (TN) Kleczka  
Davis, Tom Kline  
DeFazio Knollenberg  
DeGette Kolbe  
DeLauro Kucinich  
Deutsch LaHood  
Diaz-Balart, L. Lampson  
Diaz-Balart, M. Lantos  
Dicks Larsen (WA)  
Dingell Larson (CT)  
Doggett Latham  
Dooley (CA) LaTourrette  
Doyle Leach  
Dreier Lee  
Dunn Levin  
Edwards Lewis (CA)  
Ehlers Lewis (GA)  
Emanuel Lewis (KY)  
Emerson Lipinski  
Engel LoBiondo  
English Lofgren  
Eshoo Scott (VA)  
Etheridge Lucas (KY)  
Evans Lynch  
Farr Majette  
Fattah Maloney

Tancredo  
Taylor (MS)  
Terry  
Thornberry  
Tiahrt  
Upton  
Vitter  
Whitfield

Sherwood  
Shimkus  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Sweeney  
Tauscher

Taylor (NC)  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp

Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

Ballenger  
Cannon  
Delahunt  
Gephardt  
Goss  
Greenwood  
Istook  
Kanjorski

## NOT VOTING—23

Langevin  
Lucas (OK)  
McInnis  
McNulty  
Moran (KS)  
Nethercutt  
Quinn  
Rush

Ryan (OH)  
Schrock  
Shuster  
Tanner  
Tauzin  
Toomey  
Young (AK)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded 2 minutes remain to record their vote.

□ 1654

Mrs. MILLER of Michigan changed her vote from "no" to "aye."

So the amendment was rejected.  
The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BORDALLO:

At the end of bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2005 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed \$9,190,000 for Guam, \$9,420,000 for the Virgin Islands, \$5,950,000 for American Samoa, and \$3,380,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by \$8,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for allowing me the opportunity to offer this amendment. I come before the House today to address the chronic health care disparities in the Insular Areas.

This amendment temporarily brings the Insular Areas into parity with the funding of other States. While States receive between 50 to 75 percent in Federal matching funds for their Medicaid costs, Guam and the Insular Areas' matching funds are arbitrarily reduced to 25 percent at the most. The gap in funding must therefore be borne by the local governments. This financial burden has crippled the health care system in Guam.

Chronic illnesses such as cancer and heart disease are abnormally prevalent in the Insular Areas. Diabetes is a leading cause of death on Guam. Contagious diseases like tuberculosis are a constant threat to the health of our children. Patients needing emergency care in Guam are often medvaced to Hawaii for treatment, largely at their own expense. Guam's only cancer clinic has recently closed. The Guam Memorial Hospital Authority is on the verge of bankruptcy with constant safety concerns.

The gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. HONDA), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have each advocated forcefully that Congress address this issue. And now is the time to do it.

We have had a hearing on the dangerous health care disparities in the Insular Areas. The GAO is currently conducting a study to further document these problems. The amendment before us has been scored by CBO and is fully offset.

Listen to the plea for medical assistance coming from the Insular Areas. America's most disadvantaged citizens truly need our help, and this is the first step in the right direction; and I urge the Members to support it.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to this amendment. Obviously I am not opposed to providing additional dialysis and health care for the residents of the Virgin Islands and Guam and the Northern Mariana Islands. However, having said that, the way this amendment is structured, if we were to support the amendment, if it were to pass, it would change the Medicaid funding formula, which, as we all know, is a very sensitive issue and is something that in the next Congress I intend to make a major effort to do a fair reform of that formula.

If this amendment were to pass, it is my understanding that the people that are covered by the amendment, 2 million out of the 3 million covered are qualified for Medicaid, and there could be, I am not saying there would be, but could be as much as \$28 million in expenditures, additional expenditures. Since I have the committee of jurisdiction and we had not even been approached on this until either yesterday

or today, I would hope that the gentleman and the gentleman from Indiana would withdraw the amendment and we could work with them to find a way to get some funding this year in some additional bill that is going to come before the floor.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I had an opportunity to speak with the gentleman from Texas (Chairman BARTON) about this issue; and as I understand it, he is pretty much committed to helping get these funds this year through another source to help the people in this area.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. I am not opposed to the underlying substance of the amendment. My objection is to the procedure, and the way in which it has come forward in order to implement it in its current configuration would cause a major problem down the road in Medicaid-matched rates with other States.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman would continue to yield, the limitations that are placed on American citizens in that part of the world as far as Medicaid is concerned are quite low. Is it my understanding that he is going to try to change that in the next Congress so that there is a more equitable distribution?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. My father was a diabetic. I respect the fact that the gentleman has been out and had, if not a formal hearing, at least some meetings in the Territories in which this was discussed. I understand the gentleman's concern and her requirement that she has to represent her constituents. This is not a policy objection. This is a fact that when we deal with Medicaid, we have got a carefully crafted formula that involves all the States and the Territories and this amendment would upset that formula.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I further yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman from Texas (Chairman BARTON). He is a man of his word. And if he says that he will help us get the funds for the people who are suffering over in that part of the world who are American citizens, I am sure he will do that; and he has also said he will address the distribution formula or the limitations that are placed on the Marianas, Guam, and Saipan and others. In any event, he has made a commitment to do that. I think it would probably be wise to consider withdrawing the amendment because I know he is a man of his word and he will help us get this problem solved. But I will leave it up to them.

□ 1700

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Indiana (Mr. BURTON) for his kind words and support.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise in favor of the amendment, but it sounds like there is a work afoot to be able to support the desire for the gentlewoman from Guam (Mr. BORDALLO) to work further in the next session. Is that what I am hearing?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would certainly be in the next session. I am not opposed to trying to do something in the next 4 or 5 weeks in this session, if we can find the right vehicle.

Mr. HONDA. Mr. Chairman, reclaiming my time, that would be great. As Chair of the Congressional Asian Pacific Islander Caucus, I support that effort and would work with both the chairman and the gentlewoman from Guam in the furtherance of this amendment. I thank the gentleman for his cooperation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Texas (Chairman BARTON), and I appreciate the challenge that diabetes faces in the United States.

I will insert in the RECORD a letter, and I had considered an amendment, but actually it fits really well with this. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, we have been trying for about 2 years to get from the Department of HHS a listing of the studies on adult stem cell research, embryonic stem cell research, and others.

Finally, yesterday, after a full 23 months, the Department gave us a listing of all the studies that have been done on stem cell research as it relates to diabetes, as it relates to Parkinson's disease and others. I will insert the correspondence that we have had back and forth for the RECORD, as well as the list of studies and their conclusions about the effectiveness of adult stem cell research and the fact that they do not have any successful clinical studies on embryonic stem cell research.

Mr. Chairman, one of the most exciting and controversial areas of clinical research in recent years has involved stem cells.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has held a series of hearings on stem

cell research. We have learned dramatic advances in medicine have been made utilizing stem cells obtained from adult tissues and cord blood.

Yet proponents of human cloning and destructive embryonic stem cell research continue to promise ailing patients and their families and friends and members of Congress that stem cells from these controversial sources will yield even greater medical breakthroughs.

When the subcommittee held its hearings, we located a number of patients successfully treated with stem cells derived from cord blood and adult tissues. Yet we were unable to find a single patient or a single disease that has ever been successfully treated with embryonic stem cells or through cloning human embryos.

In October 2002, nearly 2 years ago, Congressman CHRIS SMITH and I sent a letter to the director of the National Institutes of Health, NIH, requesting that the agency prepare a comprehensive report of all medical therapies for humans that currently exist and ongoing clinical trials which utilize (1) adult stem cells, (2) cord blood stem cells, (3) embryonic stem cells, (4) fetal (germ) cells or (5) stem cells from cloned embryos.

We believe that this information is vitally important for patients, scientists and lawmakers so we can turn our attention away from media hype and focus our attention and resources on real medical breakthroughs that are offering the best hope and promise for real people.

Knowing the high profile stem cell research has had in recent years, we expected that NIH, with a budget of nearly \$30 billion, would be quick to respond to Congress to demonstrate that taxpayer-funded research on stem cells—including embryonic stem cells—was indeed living up to the promises.

After repeated inquiries by my staff on the status on this report over a year and a half, on June 17, 2004, Chairman TOM DAVIS and I sent a written ultimatum inquiring about the status of the report.

The following day, the subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed and was clearly inadequate.

Subcommittee staff, in fact, identified five NIH-sponsored clinical trials in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response.

At a meeting on July 2 between subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested.

Since that meeting just 2 months ago, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone and researchers at the Northwestern University in Chicago successfully cured a woman with severe rheumatoid arthritis by transplanting adult stem cells from her sister.

Still there have been no cures, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.



Just yesterday—a full 23 months after sending our initial request to the agency and following another written inquiry—NIH finally delivered a 79-page report on stem cell therapies. The NIH report finds that over 100 health disorders and conditions are currently treatable with non-embryonic stem cells. Yet, not a single condition has been treated with embryonic stem cells.

Based on the available medical data provided by the Nation's premier scientific institute, adult stem cell research clearly continues to live up to its promise by yielding real results while embryonic stem cell and cloning research remains unproven.

These findings underscore the need to continue to prioritize adult stem cell research that has actually yielded the most practical results for patients rather than siphoning resources away to gamble on purely speculative research.

I would like to submit for the RECORD the cover letter from NIH's report, a list of conditions currently being treated with adult stem cells and a letter sent to Health and Human Services Secretary Tommy Thompson in July regarding our request as well as a letter to the Director of the NIH sent last week.

SEPTEMBER 8, 2004.

Hon. MARK SOUDER,  
Chairman, Subcommittee on Criminal Justice,  
Drug Policy and Human Resources, Committee on Government Reform, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), asked me to provide additional materials to respond to your questions for the NIH and Department of Health and Human Services (DHHS) regarding the current status of medical therapies and clinical research using stem cells.

In your recent letter of July 9, 2004 to HHS Secretary Tommy Thompson, you reiterated four areas for which you are requesting information:

1. A comprehensive listing of all medical therapies which utilize various types of stem cells.

2. A listing of all ongoing clinical trials or experiments involving human subjects using these same categories of stem cells.

3. The findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes, and

4. A listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease.

To develop responses to these questions, my staff reviewed over 18,000 published biomedical journal articles for the past 10 years (1994–June 2004) using the database PubMed. PubMed was developed at the NIH/National Library of Medicine (NLM) and provides access to citations and abstracts from the biomedical journal literature. In developing the response it was decided to limit the literature search to publications within the past 10 years due to the overwhelming volume of articles on bone marrow treatments prior to 1995. The terms for the search strategy and a glossary of medical terms are included in the accompanying notebook under Tabs 1 and 2. Our review did not include any results published or added to PubMed after June 2004, since NIH had to proceed with the analysis on a fixed set of data. Since June 2004, it is estimated there are over 300 published articles that meet our search criteria. Any specific biomedical journal articles that

you may be aware of that were published after June 2004 are listed through PubMed at <http://www.nlm.nih.gov>.

As a result of the analysis, my staff compiled a listing of medical therapies which utilize various types of stem cells as published in the scientific literature over the past 10 years. This listing is provided as Tab 3.

In addition, my staff conducted a search of current clinical trials that involve stem cells as a part of the treatment protocol. The clinical trials database used in this search is available from the NIH/NLM at <http://clinicaltrials.gov>. The database provides regularly updated information about clinical research in human volunteers. The clinical trials database currently contains approximately 11,400 clinical studies sponsored by the NIH, other federal agencies, and some privately funded trials. The listing of ongoing clinical trials is provided under Tab 4. The search terms used were "stem cell transplantation or stem cells" and retrieved 563 studies of trial records as of August 24, 2004. For access to the full clinical trial records, search <http://clinicaltrials.gov/>. I would like to underscore that while there have been claims in the popular press and elsewhere of people who have been helped or cured by stem cell therapies, the NIH cannot attest to their veracity as proven therapies until such time as scientific clinical trials have been conducted and the results of those trials have been published in the scientific peer-reviewed literature.

I am also providing information from our analysis on any findings of studies that use stem cells or tissues from human embryos or fetuses to treat Parkinson's disease or juvenile diabetes. There are currently no studies using stem cells or tissues from embryos or fetuses to treat type 1 diabetes. With regards to Parkinson's disease, we found that scientists have tried two approaches utilizing tissues from embryos or fetuses to treat human patients with Parkinson's disease. The first study showed that human embryonic dopamine-neuron tissue transplants survive in patients with severe Parkinson's disease and result in some clinical benefit in younger but not in older patients. In addition, dystonia and dyskinesias recurred in 15 percent of the patients who received transplants, even after reduction or discontinuation of the dose of dopaminergic medications, like levodopa. In a follow-up article looking at the same patients, scientists measured cognitive performance at 1 year after transplantation. Performance was not significantly different between the two patient groups (transplanted and no transplant). The second study showed that, as with embryonic tissue transplanted PD patients, younger PD patients with fetal tissue transplants do show motor improvement. However, the underlying disease process does not slow down after fetal transplantation, and Parkinson symptoms ultimately recur. Moreover, fifty-six percent of transplanted patients developed dyskinesia that persisted after overnight withdrawal of dopaminergic medication. A further discussion of these results is contained in Tab 5.

Under the second question in Tab 5, we describe a potential tissue-based alternative to stem cells from embryos and fetuses that has shown promise for treating juvenile diabetes. In addition, NIH funds significant research in focusing on other possible therapies for each of these diseases, and would be glad to provide further information on these upon request.

Finally, in order to better manage the results of the PubMed journal literature that were used in our analysis, my staff developed a database of the 18,349 records, which can be searched by keywords, author, and other

searchable limits. The database URL and passwords will be sent to you under separate cover. An example of the user interface with descriptions of search field capabilities is appended in Tab 1.

I hope you find this information satisfactory in responding to your questions on stem cell treatment.

Sincerely,

JAMES F. BATTEY, Jr.,  
M.D., Ph.D. Director,  
National Institute  
on Deafness and  
Other Communication  
Disorders,  
Chair, NIH Stem Cell  
Task Force.

DISORDERS AND CONDITIONS TREATED WITH  
NON-EMBRYONIC STEM CELLS

Note: Not all of these treatments are considered "standard" treatments—many are experimental

Source: Compiled from NIH's database search and the National Marrow Donor Program

Acute Leukemias: Acute Lymphoblastic Leukemia (ALL); Acute Myelogenous Leukemia (AML); Acute Biphenotypic Leukemia; Acute Undifferentiated Leukemia; Philadelphia chromosome positive acute lymphoblastic leukemia.

Chronic Leukemias: Chronic Myelogenous Leukemia; Chronic Lymphocytic Leukemia; Juvenile Chronic Myelogenous Leukemia; Juvenile Myelomonocytic Leukemia.

Myelodysplastic Syndromes: Chronic Myelomonocytic Leukemia; Refractory Anemia.

Stem Cell Disorders: Aplastic Anemia; Fanconi's Anemia; Paroxysmal Nocturnal Hemoglobinuria (PNH); Pure Red Cell Aplasia.

Myeloproliferative Disorders: Acute Myelofibrosis; Agnogenic Myeloid Metaplasia (myelofibrosis); Essential Thrombocythemia; Polycythemia Vera.

Lymphoproliferative Disorders: Non-Hodgkin's Lymphoma; Hodgkin's Disease.

Phagocyte Disorders: Chediak-Higashi Syndrome; Chronic Granulomatous Disease; Neutrophil Actin Deficiency; Reticular Dysgenesis.

Inherited Metabolic Disorders: Adrenoleukodystrophy; Gaucher's Disease; Hunter's Syndrome (MPS-II); Hurler's Syndrome (MPS-IH); Krabbe Disease; Lysosomal Storage Disorders; Maroteaux-Lamy Syndrome (MPS-VI); Metachromatic Leukodystrophy; Morquio Syndrome (MPS-IV); Mucopolidiosis II (I-cell Disease); Mucopolysaccharidoses (MPS); Niemann-Pick Disease; Peroxisomal Disorders; Sanfilippo Syndrome (MPS-III); Scheie Syndrome (MPS-IS); Sly Syndrome, Beta-Glucuronidase Deficiency (MPS-VII); Wolman Disease.

Histiocytic Disorders: Familial Erythrophagocytic Lymphohistiocytosis; Hemophagocytosis; Histiocytosis-X; Langerhans cell histiocytosis.

Inherited Erythrocyte Abnormalities: Cooley's Anemia; Diamond Blackfan Anemia; Fanconi's Anemia; Sickle Cell Disease; Thalassemias.

Inherited Immune System Disorders: Ataxia-Telangiectasia; Bare Lymphocyte Syndrome; DiGeorge Syndrome; Kostmann Syndrome; Leukocyte Adhesion Deficiency; Omenn's Syndrome; Severe Combined Immunodeficiency (SCID); SCID with Adenosine Deaminase Deficiency; SCID with Absence of T & B Cells; SCID with Absence of T Cells, Normal B Cell Common Variable Immunodeficiency; Wiskott-Aldrich Syndrome; X-Linked Lymphoproliferative Disorder.

Other Inherited Disorders: Lesch-Nyhan Syndrome; Cartilage-Hair Hypoplasia;

Glanzmann Thrombasthenia;  
Leukodystrophy; Osteogenesis Imperfecta;  
Osteopetrosis.

Inherited Platelet Abnormalities:  
Emagakaryocytosis; Congenital  
Thrombocytopenia.

Plasma Cell Disorders: Multiple Myeloma;  
Plasma Cell Leukemia; Waldenstrom's  
Macroglobulinemia.

Other Malignancies: Brain cancer; Breast  
cancer; Ewing's Sarcoma/Ewing's family of  
tumors; Gastrointestinal cancers; Lung can-  
cers; Malignant Thyoma; Meningeal cancer;  
Musculoskeletal cancers; Neuroblastoma;  
Renal cell carcinoma; Reproductive cancers  
(ovary, testes, stem cells cancer);  
Retinoblastoma; Sarcoma; Skin cancer/mela-  
noma; Urinary cancer.

Autoimmune Disorders: Autoimmune  
Lymphoproliferative Syndrome (ALPS);  
Crohn's Disease; Juvenile arthritis; Multiple  
sclerosis; Rheumatoid arthritis; Systemic  
lupus erythematosus.

Other Diseases/Conditions: AIDS; Al-  
zheimer's Disease; Amyotrophic lateral scler-  
osis (ALS, Lou Gehrig's Disease); Chronic  
myeloproliferative disorders; Coronary  
(Heart) Disease; Cytomegalovirus Infection;  
Graft versus Host Disease (GVHD); Nervous  
system repair; Ocular/Corneal Damage; Par-  
kinson's disease; Skeletal and cartilage re-  
pair; Stroke.

JULY 9, 2004.

Hon. TOMMY G. THOMPSON,  
*Secretary, Department of Health and Human  
Services, Washington, DC.*

DEAR MR. SECRETARY: As Chairman Davis  
and I indicated in our letter dated June 17,  
2004, over the past two years the Sub-  
committee on Criminal Justice, Drug Policy,  
and Human Resources and the office of  
Chairman Chris Smith have been in cor-  
respondence with the NIH regarding the cur-  
rent status of medical therapies and clinical  
research using adult and embryonic stem  
cells.

How the Department has allowed this mat-  
ter to drag on for nearly two years defies ex-  
cuse or explanation.

On October 8, 2002, Chairman Smith and I  
sent a letter to Dr. Elias Zerhouni, Director  
of the National Institutes of Health (NIH),  
requesting "a detailed report" providing  
comprehensive information about the med-  
ical applications of adult and embryonic  
stem cells as well as stem cells from cloned  
embryos and aborted fetuses.

After almost a year had passed, Sub-  
committee records indicate that on August  
4, 2003, Subcommittee staff inquired into the  
status of the requested report and were told  
that the letter had been in the office of the  
Assistant Secretary for Legislation (ASL)  
"for some months" and would be out "in a  
few weeks."

On October 14, 2003, Subcommittee staff  
again inquired into the status of the report  
and were assured that although "... the let-  
ter is in final draft and is going through the  
clearance process now."

The written inquiries on the status of this  
report are recorded below. There were also  
numerous telephone conversations that are  
unrecorded here. The dates of correspond-  
ence from the Subcommittee to HHS regard-  
ing our October 8, 2002, letter are as follows:  
August 4, 2003; October 14, 2003; October 27,  
2003; November 19, 2003; February 10, 2004;  
March 25, 2004; April 20, 2004; June 17, 2004.

After repeated inquiries about the status  
of the report by email, I sent a formal, writ-  
ten letter to you, Mr. Secretary, on April 20,  
2004.

Remarkably, there was no answer to the  
April 20 letter.

After waiting several weeks for acknowl-  
edgement, on June 17, 2004, Chairman Tom

Davis of the House Government Reform  
Committee and I sent another letter commu-  
nicating our concern about a number of out-  
standing correspondence and document re-  
quests.

On June 18, 2004, the Subcommittee re-  
ceived a letter signed by Dr. James Battey,  
Director of the National Institutes on Deaf-  
ness and Other Communication Disorders  
(NIDCD) and Director of the Stem Cell Task  
Force, responding to our request for informa-  
tion regarding stem cell therapies.

However, the letter we received did not re-  
spond to the plain meaning of our request on  
October 8, 2002. Instead of a thorough re-  
sponse, it represented only a sampling of the  
information we requested. Through subse-  
quent phone and email conversations within  
hours of receiving the response, Sub-  
committee staff communicated disappoint-  
ment regarding the quality and depth of the  
letter we received and asked that the re-  
sponse be revised and completed by June 30,  
2004.

In lieu of sending a revised document, at  
the close of the day on June 30, an HHS De-  
puty Assistant Secretary requested a meeting  
with members of the Subcommittee staff to  
"discuss the response on adult stem cells and  
how [NIH] may be able to better respond to  
your inquiries here."

At this meeting on July 2, Subcommittee  
staff communicated our frustration about the  
delay in receiving a response from the  
Department as well as our disappointment  
regarding the quality of the letter. In order  
to assist the Department in responding to  
the Subcommittee's inquiry, I have included  
a summary of the meeting that took place,  
along with an outline of our agreement  
about the nature of a forthcoming, revised  
report in response to our October 8, 2002 writ-  
ten request.

The original letter, dated October 8, 2002  
requested (italics added):

"a *comprehensive* listing of *all* medical  
therapies" which utilize various types of  
stem cells,

"a listing of *all* ongoing clinical trials or  
experiments involving human subjects using  
these same categories of stem cells,

"the findings of any studies that utilized  
stem cells or tissues from embryos or fetuses  
to treat human patients from Parkinson's  
disease and juvenile diabetes," and

"a listing of alternatives to stem cells  
from embryos and fetuses that have shown  
promise in human subjects for treating juve-  
nile diabetes, Alzheimer's, and Parkinson's  
disease."

In response to our letter, the NIH stated  
that there are no treatments or ongoing clin-  
ical trials utilizing embryonic stem cells or  
stem cells from cloned embryos or aborted  
fetuses. The NIH letter also reported the ad-  
verse effects resulting from the two known  
clinical trials using fetal tissue transplan-  
tation to treat Parkinson's disease.

However, instead of a comprehensive list-  
ing of all medical therapies and a listing of  
all ongoing clinical trials in which human  
patients were being treated with adult stem  
cell therapies, NIH included a sampling of  
the work ongoing at some NIH Institutes and  
a listing of NIH-funded clinical trials.

That is not what was requested.

The Subcommittee identified several obvi-  
ous omissions in Dr. Battey's letter.

(1) From the NIH website  
[www.clinicaltrials.gov](http://www.clinicaltrials.gov), in the NIH National  
Library of Medicine Medline database, and in  
the popular press, Subcommittee staff iden-  
tified extramurally funded clinical trials and  
clinical research involving human patients  
which were not included in the NIH letter,  
including some that began as early as 1999  
and should have been available to Dr. Battey  
prior to his submission of the letter to the

ASL office in November 2002. A selection of  
extramurally funded clinical trials not in-  
cluded in the NIH letter are listed below:

Sponsor: Baylor College of Medicine; Stem  
Cell Transplant to Treat Patients with Sys-  
temic Sclerosis; Phase I H7157; Study start  
date: June 1999; Date last reviewed: March  
2004.

Sponsor: Texas Heart Institute, Houston,  
Texas; Transendocardial, Autologous Bone  
Marrow Cell Transplantation for Severe,  
Chronic Ischemic Heart Failure, announced  
in *media* April 16, 2004;  
[www.genomewebnetwork.org/articles/2004/04/16/stem\\_cell\\_trial.php](http://www.genomewebnetwork.org/articles/2004/04/16/stem_cell_trial.php); Circulation. 2003  
May 13;107(18):2294-302.

Sponsor: Caritas St. Elizabeth's Medical  
Center of Boston; Stem Cell Study for Pa-  
tients with Heart Disease 00165; Study start  
date: January 2004; Date last reviewed: April  
2004.

Sponsor: Bioheart, Inc.; Autologous Cul-  
tured Myoblasts (BioWhittaker) Trans-  
planted via Myocardial Injection; Phase I  
BMI-US-01-001; Study start date: June 2003;  
Date last reviewed: December 2003.

Sponsor: Bioheart, Inc.; MYOHEART™  
(Myogenesis Heart Efficiency and Regenera-  
tion Trial); Phase I BMI-US-01-002; Study  
start date: February 2003; Date last reviewed:  
December 2003.

In response, Dr. Battey maintained that  
the intent of NIH was to provide a com-  
prehensive listing of work funded by NIH,  
but not by universities or pharmaceutical  
companies, citing the difficulty of enforcing  
compliance with a law (PL105-115, signed No-  
vember, 1997) mandating that privately fund-  
ed trials also be listed on the  
[www.clinicaltrials.gov](http://www.clinicaltrials.gov) website.

Nonetheless, Subcommittee staff were also  
able to identify several intramurally funded  
clinical trials at [www.clinicaltrials.gov](http://www.clinicaltrials.gov), in  
which human patients are being treated with  
adult stem cell therapies, which, astonish-  
ingly, were not included in the NIH response:  
NIAMS (National Institute of Arthritis and  
Musculoskeletal and Skin Diseases);  
Autologous Stem Cell Transplant for Sys-  
temic Sclerosis; Phase I N01 AR-9-2239;  
Study start date: July 2002; Date last re-  
viewed: March 2004.

NINDS (National Institute of Neurological  
Disorders and Stroke); Investigating Endo-  
thelial Precursor Cells 03-N-0269; Study start  
date: August 1, 2003; Date last reviewed: Au-  
gust 1, 2003.

NHLBI (National Heart, Lung, and Blood  
Institute); The Effect of Exercise on Stem  
Cell Mobilization and Heart Function in Pa-  
tients Undergoing Cardiac Rehabilitation 03-  
H-0086; Study start date: January 28, 2003;  
Date last reviewed: December 5, 2003.

Stem Cell Mobilization to Treat Chest  
Pain and Shortness of Breath in Patients  
with Coronary Artery Disease 02-H-0264;  
Study start date: August 6, 2002; Date last re-  
viewed: July 17, 2003.

NIDCR (National Institute of Dental and  
Craniofacial Research); Bone Regeneration  
Using Stromal Cells 94-D-0188; Study start  
date: August 3, 1994; Date last reviewed: June  
4, 2003.

(2) The Subcommittee also identified sev-  
eral reports of clinical research not yet in  
clinical trials that were also missing from  
the report. Some of these studies, reported in  
peer-reviewed journals and in the public  
media are listed below:

• Preliminary clinical research using adult  
skeletal myoblasts to repair injured heart  
muscle:

Pagani, et al, 2003. Autologous skeletal  
myoblasts transplanted to ischemia-dam-  
aged myocardium in humans. Histological  
analysis of cell survival and differentiation.  
*J Am Coll Cardiol.* Mar 5; 41(5):879-88.

Hagege, et al, 2003. Viability and differen-  
tiation of autologous skeletal myoblast grafts

in ischaemic cardiomyopathy. *Lancet*. Feb 8; 361(1956):491-2.

Menasche, et al, 2003. Autologous skeletal myoblast transplantation for severe postinfarction left ventricular dysfunction. *J Am Coll Cardiol*. Apr 2; 41(7):1078-83.

• Autologous bone marrow or blood cells transplanted into human heart:

Dr. Cindy Grines at Beaumont Hospital, Royal Oak, Michigan: [http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/http://www.sctline.com/info/english\\_viewarticle.asp?id=1966](http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/http://www.sctline.com/info/english_viewarticle.asp?id=1966).

Assmus et al, 2002. Transplantation of Progenitor Cells and Regeneration Enhancement in Acute Myocardial Infarction (TOPCARE-AMI). *Circulation*. 2002 Dec 10; 106(24):3009-17.

Obert et al, 2004. Transplantation of progenitor cells after reperfused acute myocardial infarction: evaluation of perfusion and myocardial viability with FDG-PET and thallium SPECT. *Eur J. Nucl Med Mol Imaging*. 2004 Apr 3 [Epub ahead of print]

(3) Included in the response from NIH was an enclosure from the National Bone Marrow Donor Program entitled "Diseases Treatable by Stem Cell Transplantation," dated 2002. However, this list contained only blood disorders, autoimmune diseases, and related cancers treatable with hematopoietic stem cells. The letter did not include a more updated, comprehensive listing of additional diseases treated with hematopoietic or other adult stem cell types.

When questioned about these omissions, Dr. Battey conceded that the report was not comprehensive. The wide range of information missing from the NIH response to our October 8, 2002 letter demonstrates the need for NIH to review responses to ensure that Congress receives accurate and thorough information in response to its requests.

Dr. Battey also indicated that he had made a decision when responding to the letter to include only NIH information that would be difficult for Congress to obtain through publicly accessible sources.

However, Subcommittee staff reiterated to HHS staff at the meeting that our request for a comprehensive document remained unchanged and unfulfilled.

In response to Subcommittee documentation of the inadequacy and omissions of the NIH response, Dr. Battey apologized.

Dr. Battey agreed he and his colleagues would assemble a comprehensive report as requested on October 8, 2002. Subcommittee staff agreed to give a time extension to the \$27 billion agency.

Dr. Battey and Subcommittee staff agreed that the revised report would:

(1) be comprehensive in scope as originally requested, including both NIH funded research as well as privately funded research in the public domain, including studies abroad,

(2) be in a format that is easily accessible and searchable,

(3) include anecdotal reports of clinical research when these reports appear substantive and likely to lead to future clinical research and/or clinical trials, and

(4) include only minimal analysis necessary for translating the factual components of the report into lay terms.

The Subcommittee staff and the Department also agreed that an iterative response would be provided to Senator Brownback in advance of his July 14, 2004, hearing on adult stem cell research.

Subcommittee staff emphasized that this report will be an invaluable resource as Congress seeks to make policy decisions and educate the public based on accurate and in-depth scientific data rather than the often-misleading information that is readily available from the news media and lobbying groups.

I appreciate your attention to this matter and your assurances that the Department will be more responsive to matters of Congressional oversight. This, as you know, is not a peripheral issue of concern only to a small number of people. I would think, on an issue of this magnitude, that HHS would have wanted to have this report available in response not only to Congress but for the President and others to whom such information might be important.

It is my hope that as members of Congress and their staff continue to face critical and complex science policy issues they will be able to draw on accurate, thorough, timely, and up-to-date information from the Department of Health and Human Services.

Sincerely,

MARK E. SOUDER,  
*Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources.*

AUGUST 31, 2004.

Hon. ELIAS A. ZERHOUNI, M.D.,  
*Director, National Institutes of Health, Bethesda, MD.*

DEAR DR. ZERHOUNI: Chairman Bill Young of the House Appropriations Committee and Chairman Ralph Regula of the Labor, HHS, Education Subcommittee have urged members of the House of Representatives to contact you with questions regarding specific research projects funded by the National Institutes of Health (NIH).

On October 8, 2002, Congressman Chris Smith and I requested "a detailed report" providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

On June 17, 2004, Chairman Tom Davis and I sent another letter inquiring about the status of the report. The following day, the Subcommittee received a response signed by Dr. James Battey, Director of the National Institutes of Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed. At a meeting on July 2 between Subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested. The Subcommittee sent a letter to Secretary of Health and Human Services Tommy Thompson re-iterating this commitment on July 9, 2004.

Since our meeting, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone. The case, reported in *The Lancet*, involved a 56-year-old man who lost a substantial portion of his jawbone, also called the mandible, during cancer surgery. After nine years of eating only soft food and soup, the patient is now able to enjoy his first dinner in nearly a decade. Our understanding is that Dr. Pamela Gehron Robey is doing similar research at the National Institute of Dental and Craniofacial Research.

Another study conducted at the Northwestern University in Chicago reported in the journal *Arthritis & Rheumatism* found that transplanting adult stem cells from a healthy woman to her sister with severe rheumatoid arthritis apparently cured the disease, researchers report.

Still there have been no cure, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

I look forward to a response regarding the status of this stem cell report prior to consideration of the Labor/HHS/Education ap-

propriations for fiscal year 2005 by the House of Representatives.

Sincerely,

MARK E. SOUDER,

*Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.*

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to thank the gentleman from Texas (Chairman BARTON), the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their willingness to work with the Delegates to address the disparities contributed to by the Medicaid caps on our territories.

I also want to thank the gentleman from California (Mr. HONDA) for his support and all of the others in Congress who have talked to me about supporting this issue. I think it is very important to me and all of the other Delegates from the Territories that these gentlemen have made a commitment to work with us in the future. I certainly am very willing to sit down and work with them.

Mr. Chairman, this has been an issue with the Territories for the last 20 years. We have been bringing it before Congress, all to no avail. I am sure, with the assistance of all these fine gentlemen, we will be able to work out some solutions.

I also want to thank the gentleman from California (Chairman POMBO) for signing off on this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I recognize the broad scope of this bill and how difficult it is to meet the challenges of funding on all the important programs.

Let me take time to commend the chairman of the subcommittee and his expert and able staff.

Mr. Chairman, I rise today to offer an amendment regarding the Social Security totalization agreement signed on June 29 by the Social Security Commissioner and her Mexican counterpart. Totalization agreements are bilateral agreements between the United States and another country to coordinate Social Security programs. Essentially, a totalization agreement eliminates the need to pay Social Security taxes in both countries when U.S. companies send workers to the other country and vice versa and it protects benefit eligibilities for workers who divide their careers between the two countries.

In a general concept, totalization agreements are desirable, but I would ask my colleagues to carefully review what is at stake in this recent decision and agreement involving Mexico.

By every account, Mr. Chairman, unfortunately, the Social Security Administration tried to slip Mexico totalization under the radar without coming to Congress, as the Social Security Administration had promised. This is a problem; and, therefore, it requires a response from this House.

I personally met with Social Security Commissioner Barnhart. I believe she is very capable and, on balance, has done a fine job. But following our discussions, I continue to believe that serious problems remain with this totalization agreement with Mexico.

The principal problem with the agreement is that our Social Security Administration assumes that only 50,000, only 50,000, Mexican workers will apply for Social Security benefits. But with estimates of over 4 million Mexican workers here illegally, I think the number in fact will be significantly higher.

To be clear, Mr. Chairman, this is not an immigration issue. This is a Social Security solvency issue; and if a mere 25 percent above that estimate of 50,000 apply, and I will do the math for you, that would mean 60,000 people actually take up benefits, the GAO has found it will be a financially significant drain on the trust fund.

Now, for purposes of full disclosure, obviously not every Mexican national working here illegally will suddenly qualify for Social Security. We passed and the President signed into law H.R. 743, the Social Security Protection Act, which keeps many illegal workers from assessing benefits. But, Mr. Chairman, a significant new population, perhaps hundreds of thousands, would have access to Social Security under this Mexico totalization agreement.

Specifically, it would be three groups: number one, workers who were illegal at one time, such as those with temporary work visas, who have fallen into illegal worker status by overstaying their visas; number two, the dependents of these once legal workers; and, number three, these Mexican

workers who have worked more than six quarters in the United States and less than 40.

The 50,000 estimate that Social Security assumes will take advantage of these benefits are Mexicans working legally in the United States, and it does not account for these three groups I have detailed.

Now, to give an idea of how large a group are unaccounted for here, according to Citizenship and Immigration Services' most recent data in 2002, 166,000 Mexicans changed their status to permanent resident from a variety of other classifications, for example, visitor, temporary worker, no status, et cetera. Again, Mr. Chairman, that is 166,000 in 1 year.

The Social Security Administration assumes only 50,000 are here, when three times that received permanent resident status in 2002 alone; and that 50,000 will only grow at the rate of general population growth when hundreds of thousands more will move in and out of legal status each and every year. To assume that hundreds of thousands of these workers would pass up benefits is unrealistic.

Mr. Chairman, let me make this very clear. If only fully legal workers were to collect benefits under this totalization plan, I would not oppose it. But, Mr. Chairman, I have serious doubts that this would be the case.

The Social Security trust fund will begin spending more than it receives in the year 2018. In 2042, the trust fund will have spent up the surpluses it has built up. It will be totally bankrupt. Opening the floodgates to hundreds of thousands of illegal workers can only hasten the coming funding crisis facing Social Security.

I urge support for this amendment.

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

Mr. SHAW. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 15 minutes in opposition to the amendment.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Social Security so-called totalization agreements permit the United States and another country to coordinate their Social Security programs. The Social Security Administration has totalization agreements in force with 20 countries, including Canada, Australia, and most of Western Europe.

Totalization agreements help American workers and American business. These agreements prevent the Americans working overseas for United States companies from having to pay two Social Security systems. As a result, American workers and their companies save approximately \$800 million annually in foreign Social Security taxes. Totalization agreements also protect benefits for workers who divide their careers between two countries.

In June, the Commissioner of Social Security and Director General of the

Mexican Social Security Institute signed a totalization agreement. Now, what does that mean? This agreement has not been approved. The signing of the agreement is the first step in the approval process. The State Department and the White House must review the agreement in order to determine whether the agreement should be sent to Congress for approval. We have no idea at this time whether it will even be sent to us for approval.

Congress has the final say. Should the President send a proposed totalization agreement with Mexico to Congress for approval, Congress has 60 legislative days during which either the House or the Senate are in session to consider the agreement and to disapprove it, if necessary.

It is imperative that we follow through with the vetting process established in the law, not circumvent it through appropriation legislation. Why? Because there is much concern, confusion, and misinformation about a United States Mexican totalization agreement. We need to hear all the facts. We do not need to rush to judgment. We need regular order.

For example, there are a number of advantages in a totalization agreement with Mexico. First, an agreement would save about 3,000 United States workers and their employers about \$140 million in Mexican Social Security taxes over the next 5 years. Second, Mexico is the second largest trading partner, and a totalization agreement with Mexico would be consistent with one of the goals of the North American Free Trade Agreement, to strengthen cooperation and friendship. Lastly, Social Security's official scorekeepers estimate a U.S.-Mexican agreement would have a negligible impact on Social Security long-term financing. The 5-year cost to the U.S. Social Security system has now been estimated at about \$525 million. That is over a 5-year period.

Contrary to what many believe, a totalization agreement would not change current law prohibiting payment to persons living illegally in the United States. Also a totalization agreement would not create a substantial enticement for Mexican citizens to work illegally in the United States. That is because the recently enacted Social Security Protection Act of 2004 strengthened the law to prevent those who only worked illegally from receiving benefits.

While there are potential advantages to a totalization agreement with Mexico, there are also concerns, and we concede that. For example, Social Security official scorekeepers have stated there is considerable uncertainty involved in their estimates. It could be higher; it could be lower. In addition, there are concerns about the potential for fraudulent receipt of benefits and the integrity of the Mexican records.

There are also some issues relating to a potential United States-Mexican totalization agreement that raise serious questions about the impact of the

agreement on Social Security financials and drives the need for a full and fair vetting through public hearings held by the committee of jurisdiction, the Committee on Ways and Means Subcommittee on Social Security, which I chair.

□ 1715

Only if we allow the vetting process to continue as designated rather than obstructed will the Congress and the American people be assured whether a totalization agreement with Mexico is in the best interests of our Nation's workers and those who depend upon those benefits.

For this reason I urge my colleagues to oppose this amendment.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

I listened with interest to the comments of my subcommittee Chair, and I think it is worth noting in this debate, if there could be guarantees that a resolution of disapproval would be allowed to come to the floor, and one of my friends, the gentleman from Georgia (Mr. COLLINS) has drafted it, there would be no need for this amendment, and we could withdraw it. We have made that clear. But that guarantee has not been forthcoming. Therefore, the appropriations process is our opportunity for a floor vote.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I chaired the bipartisan Social Security Task Force, and we talked about this so-called totalization, which is pretty much a reciprocal effort between countries to earn and get payments for retirement benefits, for three reasons. One is the oversight of Congress would result in maybe 60 days delay, but not a real opportunity to turn this around. I support the amendment, but because I think we need sort of a cooling off period of at least a year to look at the consequences, a couple of consequences.

One is the solvency of Social Security. So as we look at the potential cost to Social Security, the actuaries are already estimating that Social Security is going to be insolvent by 2018, this provision lowers the date of insolvency because of the cost. Let me just quote what the Social Security Administration estimates. Number 1, it is going to cost approximately \$105 million per year over the first 5 years, like the chairman suggested; but, further, the GAO found that a lack of consideration to the estimated millions of current and former unauthorized workers and family members from Mexico who are already residing in the United States who could qualify under various amnesty and guest worker proposals make the cost of such an agreement highly uncertain and could have a measurable impact on the long-range

actuarial balance of the trust fund. This is what the GAO said.

So the potential benefits are to 3,000 workers in Mexico, American workers, and what we are looking at is potentially millions of Mexican workers in the United States.

Now, there is a huge difference in the totalization agreements that we have with Europe. The differences, I think, are substantial in two ways. Number 1, in addition to the vastly greater number of new beneficiaries claiming claims to this entitlement from under the Mexican agreement, the other nations, mostly in Europe, that we have these reciprocal agreements with involve a relatively small or few number of people, and there is closer economic parity. So because of the wage differences between Mexico and the United States, it could be very costly to the Social Security system.

I just suggest to my colleagues that as Social Security looks at a \$12 trillion unfunded liability, to add these potential large costs to Social Security without thoroughly examining the consequences of what it is going to do to our solvency of our system in the United States, without the kind of changes that we need in Social Security, should be put off for a year.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a valuable member of the Committee on Ways and Means.

Mr. WELLER. Mr. Chairman, I rise in support of the position taken by the chairman of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), in opposition to an amendment offered by my longtime friend and respected seatmate of 10 years, who I disagree with on his amendment, in a respectful way.

Let me ask, I think, three important questions. One, why are we having this vote, which is essentially putting the cart before the horse? Why are we singling out Mexico, our next-door neighbor, number 2 trading partner, and friend? And, three, why is there an effort to essentially vent our frustration over illegal immigration on a potential agreement with our friend, Mexico?

That is why I think it is important for us to be very careful on this amendment, because we have Social Security totalization agreements with 7 out of 10 of our biggest trading partners. Mexico is our second largest trading partner. We have thousands of American workers working in Mexico who right now are in a situation where they are forced to pay two sets of Social Security taxes. A totalization agreement would be of great benefit to American workers working in Mexico, as well as their American employers who may be employing them. In fact, they say they could save up to \$140 million in additional taxes that workers and American companies would suffer unless we have a totalization agreement.

Now, the issue of putting the cart before the horse. Under the procedure for a totalization agreement, the total-

ization agreement, when it is finalized, because it is not yet finalized; it still has to be signed off on by the State Department and the White House before it would be considered a final agreement, and then it would have to come to Congress where we could have an up-or-down vote on whether or not to accept it. That is where Congress comes in with our role. Again, this vote here today is putting the cart before the horse, and Congress does truly have the final say.

Mr. Chairman, I pointed out earlier that Mexico is our second largest trading partner. It is a longtime friend, a fellow democracy, and I do not believe it should be singled out when our other friends, Canada, Australia, most of Western Europe, have concluded totalization agreements that have been in place now for, in many cases, two decades, protecting American workers from double taxation.

I would also, when it comes to the issue of illegal immigration, because we realize that is an issue that is hanging over this vote today, and this should not be a vehicle to vent that frustration, it should not be a vehicle, because this actually helps American citizens.

A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. I think it is important to note that. Let me say that one more time. A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. Second, a totalization agreement would not create an enticement for Mexican illegal immigrants to come here.

The bottom line is just vote no on this amendment, let us move on, consider it next year when it is brought up to us through regular order.

Mr. HAYWORTH. Mr. Chairman, I would note again for my friend from Illinois this is not an immigration issue, it is a solvency of Social Security issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I salute the gentleman from Arizona for having the courage to address this issue.

Totalization with Mexico will harm the Social Security Trust Fund. It will be a major drain on this fund. They talk about 20 countries that we have a totalization agreement with. None of them have 5 million illegal workers in the country like Mexico does.

We are better off to stop this snake here and now, cut off its head. Some say wait, let it get bigger. Let it bite us again. I say no. Cut off its head today by stopping the funding.

If we grant an amnesty, and there are plenty of amnesty bills floating around, those illegals will be legal, and we will have a huge drain on the Social Security fund.

I want to stand with the seniors in this country. I want to protect Social

Security for United States citizens, and I want to preserve it for future generations, not drain it by allowing Mexico and illegals to get in it and suck a big truckload of money out of it.

Stand up for Social Security and vote yes with the gentleman from Arizona (Mr. HAYWORTH).

Mr. SHAW. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a very valued member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Chairman, I thank the chairman for yielding me time on this measure.

Mr. Chairman, the gentleman from Arizona has offered an amendment that bars funding for an agreement that Congress has yet to consider, much less be approved.

This summer, the United States and Mexico signed a totalization agreement, an agreement that would coordinate retirement coverage for at least 3,000 American workers who divide their careers between America and Mexico. But this agreement is far from final. It must be approved by the State Department, then the White House, and then sent to Congress where the committee of jurisdiction, the Subcommittee on Social Security, which is part of the full Committee on Ways and Means, will carefully review it.

This amendment is premature and tramples upon the deliberative process at the heart of our committee system. So I oppose this amendment on jurisdictional grounds, but I would also like to speak for a minute on some of the other statements that are being made by those who support this amendment.

First, the United States is currently a partner in 20 totalization agreements, with countries ranging from Canada to South Korea. Totalization is not a new concept. In fact, currently we are saving American workers and their employees about \$800 million from double taxation that would otherwise occur. An agreement with Mexico will mean that the U.S. has totalization agreements with 8 of our top 10 trading partners.

Secondly, totalization agreements have no impact on immigration law. Today it is illegal for Social Security to pay benefits to undocumented immigrants. Totalization will not change that.

Finally, totalization will not bankrupt the Social Security Trust Funds. In the long term, Social Security estimates that the impact to the trust funds will be negligible. In the short term, costs will approximate \$105 million per year for the first 5 years. In comparison, in the last year with Canada, that totalization agreement with Canada cost \$197 million.

Whatever your beliefs are on the merits of such an agreement, we need to debate the facts, not the rhetoric. Another reason why is our first consideration of this issue should be before the Committee on Ways and Means,

not as an amendment to an appropriations bill.

I urge Members to vote no on the Hayworth amendment.

Mr. HAYWORTH. Mr. Chairman, to further demonstrate that this issue transcends normal partisanship, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend from the other side of the aisle.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time. I rise here in support of the Social Security system and concerns about its looming revenue shortfalls.

We heard from the esteemed chairman that this would only cost \$500 million over 5 years. Now, the GAO says that that is not at all an accurate estimate. In fact, they said, the actions the Bush administration "took to assess the integrity and compatibility of Mexico's Social Security system were limited and neither transparent nor well-documented. The administration provided no information showing it assessed the reliability of Mexican earnings data and the internal controls used to ensure the integrity of information that the Social Security Administration will rely on to pay Social Security benefits."

In other words, the agreement could be setting the stage for massive fraud.

Mr. Chairman, \$500 million is a lot of money around here. We have pitched battles over tens of thousands, hundreds of thousands, a few million, and to just dismiss this and say, well, \$500 million. And then the point that, well, the House has to approve it. Well, if this was going to come to the House for an up-or-down vote for certain, and if we had to approve it before it became binding for all time on the people of the United States and our Social Security system, that would be one thing. This is under an upside down, backwards procedure that says, we can only vote if we are allowed to vote on a resolution of disapproval. There is no guarantee that such a resolution will be brought forward and no way to guarantee that.

So the question becomes will we take something the GAO has assessed as being on faulty data, poorly negotiated, with low-ball estimates on the cost, and just hope that we get to vote on it before it becomes binding, before it costs Social Security perhaps \$1 billion over 5 years? We do not really know what it will cost. But with the looming shortfalls with Social Security, I do not believe we can take that risk.

We should go back to the drawing board. This should be done in a transparent manner. It should be done with good data. And then it should be brought forward with an assurance that we will get to vote up or down.

□ 1730

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind the previous speaker that when we are talking

about a shortfall of \$500 million over 5 years in the Social Security, we are saving American workers and American companies \$800 million a year.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan (Mr. SMITH) a few moments ago said that the Social Security system would go insolvent in 2018. This is simply wrong. In 2018, the Social Security system will have to begin to pay benefits from the interest accumulated on the trust fund. Sometime in the later 2020s, the Social Security system will have to begin to dip into the principal of the trust fund. That will not be exhausted until at least 2042, according to the trustees, and according to the Congressional Research Service, 2050. There is no Social Security problem until at least 2042 or 2050.

Now, we are told that we have to start paying back the bonds. Social Security lent the money to the General Treasury; that is true, it did. That is how you invest money. You invest in U.S. bonds. That is not a problem with the Social Security system. It may be a problem for the budget, but the fact is the system is solvent. Those are legal due-and-owing obligations, exactly as legally binding as a U.S. savings bonds is to pay to my colleagues or me if we own a savings bond.

In 1983, Chairman Greenspan chaired a commission which recommended increasing Social Security taxes, which we did in 1986, to precisely generate the surplus which we will start dipping into when the baby boomers start retiring, and that is a surplus which we will start dipping into in 2018. To say that produces a crisis is to say that we lied to an entire generation of people when we increased the taxes in order to produce that surplus to dip into later. We will dip into that.

Mr. Greenspan, of course, says it was fine to reduce taxes on the rich; and because we did that, we have a budget deficit. We cannot repay the bonds; and therefore we should reduce benefits starting in 2018. That is simply thievery.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Arizona (Mr. HAYWORTH) has 3 minutes remaining. The gentleman from Florida (Mr. SHAW) has 2½ minutes remaining. The gentleman from Florida has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, and we need to take some time to take a look at what this totalization agreement is all about, and we need to make sure that the democratic process is brought to play when this becomes law or does not become law.

The fact is the totalization agreement that we are talking about would,

most likely, include illegal immigrants in our Social Security system. Let us make sure what that status is. If we have 5 million people from Mexico who come here and have been working illegally in our system, do we want to pay out Social Security to those illegal immigrants? We need to know the answers to that before we move forward.

Those who are against this amendment would put us in a situation where we might wake up 6 months down the road and this totalization agreement would be law and we would never have had a chance to vote on it. Social Security is too important for the American people, and the idea of making illegal immigrants eligible for Social Security is too important for us to let it just go by and possibly have this come into law without even a vote on the floor.

The American people ought to notice what is going on here today. We have seen health care in California go to hell. We have seen the school and education programs going to hell in California. We have seen our criminal justice going to hell, and now we want to take a risk with Social Security? People in California know that those illegal immigrants who are here, oh, yes, even if they are paying Social Security, they are taking that job away from an American citizen.

Our senior citizens do not believe that Social Security should be provided to illegal immigrants. It will cost the Social Security billions and billions of dollars when this folly is done, and it will bankrupt the system.

We need time to talk about it. We need time to get the calculations right. We know that in the past we have been given all sorts of statistics that have been wrong. Let us not gamble with Social Security. Let us watch out for our own people instead of illegal immigrants.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would say to the previous speaker that this in no way provides for Social Security payments to illegal workers.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment of my friend from Arizona.

We have these totalization agreements with about 20 countries: Australia, Austria, Belgium, Canada, Ireland, Netherlands, Norway, Sweden, Switzerland, United Kingdom. But even though this agreement is not yet approved by the Congress, it will, under regular order, be considered by the Congress.

We are to then, under this amendment, outright reject by defunding an agreement with our neighbors to the south and Mexico, our largest trading partner? Why? I think it is incorrect; and I think that's unfortunate, perhaps unintentional, signals are being sent out by this amendment that we must be very wary of; and so it is important

to focus on the facts, as the gentleman from Florida (Mr. SHAW) has said.

The law is not changed by this totalization agreement. Social Security benefit accounts will not be paid to undocumented workers. That is the fact. That is the law. I oppose this amendment, with respect to my friend from Arizona.

Mr. HAYWORTH. Mr. Chairman, to close out advocacy on this amendment, I yield the remaining minute to my friend, the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I rise today in support of the Hayworth amendment.

As chairman of the Subcommittee on Immigration, Border Security, and Claims, I convened a hearing on this issue of totalization with Mexico on September 11, 2003.

As a result of the troubling testimony received at that hearing, I asked the GAO to conduct a study on the possible effects of such an agreement. I wanted to make sure that any totalization agreement with Mexico does not drain tens or hundreds of billions of dollars out of the Social Security trust fund by paying benefits to aliens who are illegally present and working in the United States while at the same time we are fighting to keep the fund solvent to ensure benefits for American workers.

Unfortunately, we know now that the Social Security Administration did not use an accurate actuarial basis for the proposed totalization agreement with Mexico. They did not account for the estimated millions of illegal aliens residing in this country, nor did they account for reported widespread fraud by these illegal workers using Social Security numbers belonging to others and "not for employment" numbers.

The system cannot tolerate the burden of paying out to possibly millions of illegal workers. Protect the Social Security system and vote for the Hayworth amendment.

Mr. SHAW. Mr. Chairman, I yield myself the remaining time.

There has been a lot said, and it is mostly about illegal immigrants, which has not a darn thing to do with the issue that is in front of us this evening.

It would be a mistake for anybody to come down here to the floor and vote for this amendment, thinking that there is some way that without doing this that this is going to support illegal immigration. It does not have anything to do with this.

This is a good deal for American workers. It is a good deal for American companies, and it is a good deal that the Congress oppose this particular legislation. Let the committee have a look at it. The committee is going to vet this thing. There is no question about it.

The gentleman from Michigan who spoke earlier in the debate talked

about how, if the Congress changes this and that, that then all of the sudden they are going to open the floodgates. I am sorry, we cannot pass legislation or pass amendments based upon what we think the Congress might do. I am talking about what the law is, and this has a negligible effect upon the trust fund, and the Congress should look at it.

This issue is not before the Congress now. The timing is all wrong. The administration has to send this to the State Department and to the White House for approval, and then we have 60 legislative days in which to kill it, if that is what the Congress wants to; but we should look at it, and we should do it in regular order. We should not be doing it by trying to tie the hands of the government from enforcing something that has not even happened yet. That is just plain malarkey.

Vote "no" on this amendment, and let the regular process go forward. It has nothing to do with illegal workers receiving Social Security benefits.

Mr. JOHNSON of Texas. Mr. Chairman, I rise in support of the Hayworth Amendment.

I want to prevent the Social Security totalization agreement with Mexico from moving forward because it is a bad deal for Americans who rely on Social Security now and in the future.

Since rumors first circulated that this agreement might be in the works, I have told the negotiators that it is a bad idea.

Despite having met with me privately on this issue and heard my concerns, Social Security Commissioner Barnhart signed this agreement anyway.

This agreement with Mexico is completely different in scope from our other totalization agreements. Primarily, we have an illegal immigration problem with Mexico that we don't have with the other 19 countries. Coupled with the ill-considered immigration proposal from the Administration, this totalization agreement would wreck havoc on our already troubled Social Security system and is a recipe for disaster.

There is hardly another issue that unites my constituents more than in opposition to this totalization agreement with Mexico. I urge my colleagues to join me in supporting this amendment to prevent the agreement from moving forward.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR:

At the end of the bill (before the short title), insert the following:

TITLE ADDITIONAL GENERAL PROVISIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAMS FOR PATIENTS WITH FATAL CHRONIC ILLNESSES

(a) ESTABLISHMENT OF PROGRAMS—The Secretary of Health and Human Services shall carry out research, demonstration, and education programs with respect to fatal chronic illness through the Public Health Service.

(b) STUDIES ON END-OF-LIFE CARE—The Secretary shall conduct studies on end-of-life care through all relevant agencies and through the Assistant Secretary for Planning and Evaluation. Such studies shall include an examination of the development of practice parameters applicable to such care as well as research regarding such care. Such studies shall also include an annual report from the Secretary to the appropriate committees for oversight in Congress and to the Special Committee on Aging in the Senate on service delivery and quality of life for persons living through fatal chronic illness and their families and professional caregivers.

(c) HEALTH RESOURCES AND SERVICES ADMINISTRATION—

(1) IN GENERAL—In carrying out subsection (a), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out research, demonstration, and education programs toward improving the delivery of appropriate health and support services for patients with fatal chronic illnesses.

(2) HEALTH CENTERS—As determined appropriate by the Secretary, paragraph (1) may be carried out through the program under section 330 of the Public Health Service Act (relating to community and migrant health centers and health centers regarding homeless individuals and residents of public housing), including by designating individuals with fatal chronic illnesses as medically underserved populations.

(3) CAREGIVERS—Programs under paragraph (1) shall include activities regarding appropriate support services for caregivers for patients with fatal chronic illnesses, including respite care.

(4) HEALTH PROFESSIONS TRAINING—Programs under paragraph (1) shall include making awards of grants or contracts to public and nonprofit private entities for the purpose of training health professionals, including students attending health professions schools, in the care of patients with fatal chronic illnesses. Such training shall include training in the provision of appropriate palliative care and appropriate referral to hospices, and training provided as continuing education.

(5) INITIATIVE—Programs under paragraph (1) shall include an initiative to coordinate innovation, evaluation, and service delivery relating to fatal chronic illnesses.

(d) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—

(1) IN GENERAL—In carrying out section 912(c) of the Public Health Service Act, the Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall, with respect to patients with fatal chronic illnesses—

(A) identify the causes of preventable health care errors and patient injury in health care delivery, including errors of inadequate mobilization of services to the home, inadequate continuity of caregivers, inadequate symptom prevention, manage-

ment, and relief, or inadequate advance care planning;

(B) develop, demonstrate, and evaluate strategies for reliable performance of the care system, including reducing errors and improving patient safety and health outcomes; and

(C) disseminate such effective strategies throughout the health care industry.

(2) GRANTS—In carrying out paragraph (1)(A), the Secretary shall make grants for the purpose of developing reliable and current data and insight as to the merits and efficiencies of various strategies for providing health care, including palliative and hospice care, and social services for patients with fatal chronic illnesses.

(e) CENTERS FOR DISEASE CONTROL AND PREVENTION—The Director of the Centers for Disease Control and Prevention shall expand activities with respect to epidemiology and public health in fatal chronic illness. Such activities may include contracting with the Institute of Medicine or another national interest non-profit organization to provide a review of the status of care for the end of life, which review shall be included by the Secretary in the annual reports to Congress under subsection (h).

(f) NATIONAL INSTITUTES OF HEALTH—

(1) EXPANSION OF ACTIVITIES—The Director of the National Institutes of Health (in this subsection referred to as the Director) shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on fatal chronic illness. Such activities shall include programs, requests for proposals, study section membership, advisory council membership, and training programs to support rapid and substantial improvements in understanding—

(A) mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life; and

(B) human resource, service delivery arrangements, technology, and financing that would be most useful in ensuring comfort and dignity for individuals with fatal chronic illness, and in relieving the burden for family and professional caregivers.

(2) ADMINISTRATION—the Director shall carry out this subsection acting through the Directors of every Institute within the National Institutes of Health that has at least one fatal chronic illness in its purview.

(3) COLLABORATION—In carrying out this subsection, the Director of the National Institutes of Health shall collaborate with the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and any other agency that the Director determines appropriate. The Secretary of Veterans Affairs and the Director of the Agency for Healthcare Research and Quality shall assist in such collaboration.

(4) RESPONSIBILITIES OF INSTITUTES—Each Institute with the National Institutes of Health that has fatal chronic illness in its purview shall establish a plan for improving understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life.

Since most Americans now die of chronic heart or lung failure, cancer, stroke, dementia, or multifactorial frailty, each such institute shall develop and implement a strategic plan and a set of projects that aim primarily to ensure that affected patients and their families can live through advanced illness and death comfortably and meaningfully.

(5) CENTERS OF EXCELLENCE—

(A) IN GENERAL—In carrying out paragraph (1), the Director shall make awards of grants and contracts to public or nonprofit private entities for the establishment and operation of centers of excellence to carry out re-

search, demonstration, and education programs regarding fatal chronic illness, including programs regarding palliative care.

(B) DESIGNATION—In carrying out this subsection, the Director shall designate at least 2 Claude D. Pepper Older Americans Independence Centers (supported by the National Institute on Aging), 2 program projects of the National Heart, Lung, and Blood Institute, and 2 comprehensive cancer centers (supported by the National Cancer Institute) to provide education and information support and research data and methods leadership for substantial and rapid improvements in the understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to the end of life.

(C) RESEARCH—Each center established or operated under subparagraph (A) or designated under subparagraph (B) shall conduct basic and clinical research into fatal chronic illness.

(D) CERTAIN ACTIVITIES—The Secretary shall ensure that, with respect to the geographic area in which a center of excellence under subparagraph (A) is located, the activities of the center include—

(i) providing information and education regarding fatal chronic illness to health professionals and the public;

(ii) serving as a resource through which health professionals, and patients and their caregivers, can plan and coordinate the provision of health and support services regarding fatal chronic illness; and

(iii) providing training and support of implementation of quality improvement.

(g) MEDICARE PILOT PROGRAMS FOR TREATMENT OF FATAL CHRONIC ILLNESSES—

(1) ESTABLISHMENT—The Secretary, in all relevant parts of the Department of Health and Human Services, including the Centers for Medicare & Medicaid Services and the Office of the Assistant Secretary for Planning and Evaluation, shall provide for pilot programs under this subsection. The pilot programs shall be developed under a coordinated national effort in order to demonstrate innovative, effective means of delivering care to Medicare beneficiaries with fatal chronic illnesses under the Medicare program. The pilot programs shall be completed within 5 years after the date that funds are first appropriated under this subsection.

(2) DESIGN—The pilot programs under this subsection shall be designed to learn how—

(A) to effectively and efficiently deliver quality care to the fatally chronically ill;

(B) to provide and maintain continuity of care for the fatally chronically ill;

(C) to provide advance care planning to the fatally chronically ill;

(D) to determine what rate and strategies for payment are most appropriate;

(E) to deliver emergency care for the fatally chronically ill;

(F) to facilitate access to hospice care when the Medicare beneficiary becomes eligible for such care;

(G) to develop and estimate the effect of potential alternative severity criteria for eligibility of specially tailored programs;

(H) to test the effectiveness and costs of new strategies for family caregivers support;

(I) to implement a clinical services and payment program that uses thresholds of severity to define the onset of the need for comprehensive end-of-life services;

(J) to test the merits of using severity criteria (relating to fatal chronic illness) in determining eligibility for the Medicare hospice program, but only when use of such criteria expands access to hospice care to individuals who are not yet terminally ill (as that term is defined at section 1861(dd)(3)(A) of the Social Security Act); and



(K) to arrange financial incentives so that substantially diminished payments arise when care providers fail to ensure timely advance care planning, symptom prevention, management, and relief, or continuity of care across time and settings.

(3) CONDUCT OF PILOT PROGRAMS—The Secretary shall conduct pilot programs in at least 6 sites and in at least 3 States.

(4) REPORT TO CONGRESS—the Secretary shall submit to Congress a report on the pilot programs under this subsection. Such report shall include recommendations regarding whether the pilot programs should become a permanent part of the Medicare program.

(h) ANNUAL REPORTS—The Secretary, in consultation with the Secretary of Veterans Affairs and other appropriate Federal agencies, shall submit an annual report to Congress on end-of-life care on the research, demonstration, and education programs and studies conducted under this section. The Centers for Disease Control and Prevention shall be the lead agency for integrating and preparing the annual reports under this subsection unless the Secretary designates otherwise.

(i) DEFINITIONS—For purposes of this section:

(1) The term 'fatal chronic illness' means a disease (or diseases), condition (or conditions), or disorder (or disorders) that ordinarily worsens and causes death and that causes a physical or mental disability or periodic episodes of significant loss of functional capacity.

(2) The term 'Secretary' means the Secretary of Health and Human Services.

(j) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated—

(1) such sums as may be necessary to carry out subsections (a), (b), (c), and (f);

(2) \$50,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c), excluding paragraph (5) of that subsection;

(3) \$100,000,000 for the 3-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c)(5);

(4) \$20,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (d);

(5) to carry out subsection (g) for each of fiscal years 2003 through 2007—

(A) \$50,000,000 for the purposes of conducting evaluations of pilot programs; and

(B) \$50,000,000 for the purpose of providing clinical services under pilot programs; and

(6) \$500,000 for each fiscal year during the 5-fiscal-year period beginning with fiscal year 2004 to carry out subsection (h).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I just want to reserve a point of order. I understand that the plan is to withdraw the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order on the amendment.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA). I acknowledge that the point of order would lie against the amendment. I ap-

preciate the opportunity to discuss my amendment and then subsequently to withdraw that amendment.

The purpose of this amendment is to address an issue that few of us want to talk about, but which all of us are going to face in some way or another, and that is, end-of-life care. We are all getting there, and this amendment would do five things. It is derived from a bill I introduced last year that would do five things.

It would provide grants through NIH to train health care professionals in the care of patients with fatal, chronic illness. It would direct the NIH to expand and to intensify research on fatal, chronic illnesses. Three, it would establish pilot programs under Medicare to improve delivery of care and continuity of care for end-of-life considerations. Four, it would provide funds for advanced care planning; and, five, facilitate access to hospice care when that becomes necessary at the end-of-life decision.

Why is this an important issue? Well, frankly, it is an issue that my wife, Jean, and I have discussed around the dinner table. We have both lost spouses who succumbed at a very unusually and unanticipated age to cancer. We both attended to frail and disabled parents. We all have friends who have been in the same position. As the baby boom generation reaches older age, the number of people facing serious illness and death is going to double over the next 25 years.

Second, 28 percent of Medicare's budget over the last few years has been spent caring for the last few years, in many cases the last few months of life. Who are there to provide these services? These are family members. The value of the services that family caregivers provide in a sense for free is estimated in excess of \$250 billion a year.

Third, there are a number of professionals in the health care field who do not get training in the course of their medical education in palliative care, in end-of-life decision-making with families.

We need to do a better job of training our health care professionals. We need to do a better job of preparing families for end-of-life care decision-making.

We have to acknowledge that Americans are living longer. The fastest growing age group in our society is people over age 85. Half of them need some help with personal care. We should be doing a better job with our NIH resources to help families, to help health care professionals, to help patients themselves to deal with fatal, chronic illness, the end-of-life care decisions.

That is simply what this amendment would do, provide those resources. I take this opportunity to discuss the issue in this detail so that next year when we come back into session again, this bill will be reintroduced and will have an opportunity for a broader discussion and legislative action, to bring to the floor legislation that will be

meaningful, implement these recommendations and then be eligible for the funding that I requested and set forth in the legislation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1745

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (but before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today to enforce existing Federal law that requires any State providing illegal aliens instate tuition discounts to provide these discounts to all students, regardless of State of residence. In other words, all legal students get no less tuition discount than illegal students.

That is existing law. But my amendment would not allow any Department of Education funds to be spent in violation of existing Federal law; namely, section 505 of the Illegal Immigration Reform and Responsibility Act of 1996. It simply seeks to enforce existing law.

There are approximately 12 States that have adopted a policy that they would give instate tuition breaks to illegal aliens as students, and yet students that might live within sight of the State border and not be residents of that State, would pay out-of-State tuition costs. That would then necessarily entail that citizens of the United States, people who lived in the neighborhood and in the region, would pay out-of-State tuition while illegal aliens would get instate tuition breaks. That would be in violation of this section of the 1996 Immigration Act, and I seek to tighten that up with this simple amendment that is consistent with current law.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

It is my understanding this is a State issue, but that we are prepared to accept it because the Department of Education is in compliance. They are not doing anything to violate the section 505.

I do not think it is necessary we have this. It really is something the States deal with in the funding of their higher education programs. So under those circumstances, we are prepared to accept the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman, the chairman, for his cooperation on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman STEVE KING's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit any funds from being spent by the Department of Education in violation of Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623)(IIRIRA). Section 505 of IIRIRA prohibits states from giving in-state tuition unless they provide in-state rates to all U.S. citizens under the same conditions.

The States have responded by offering in-state tuition based not on residency but on having attended school in the state and graduated from high school there. These states are thus in compliance with section 505. Congressman KING's amendment would not stop that practice, but it would make it more difficult for children in other states to afford a college education. This is a serious barrier for undocumented students, as they are also ineligible for any publicly-funded financial aid.

The real issue is whether children who have lived in the United States and been educated here should be able to afford a college education even if they were brought here illegally by their parents. Even though they had no say in the decision, our laws force them to suffer the consequences of their parents' actions.

The consequence of this policy is that our country will punish innocent children and foster an increase in the unskilled, undereducated workforce, which will be accompanied by increased spending on social service programs, higher rates of crime, and decreased opportunities for a higher quality of life. Who benefits from such a policy?

We all suffer when good students in our communities are prevented from completing their education and reaching their full potential. We suffer because we are deprived of future contributors and leaders who could help stimulate economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers, or engineers are forced, instead, to exist in a legal limbo.

I urge you to vote against this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JOHN:  
Page 105, after line 16, insert the following section:

SEC. \_\_. Of the amount made available in title II for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", \$100,000,000 is transferred and made available under the account in such title "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING" for carrying out the program under section 317S of the Public Health Service Act (as added by Public Law 108-75).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes on this amendment.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume, although I will not take all 5 minutes. But I did think it was important for me to come here and talk about this amendment to this legislation.

I am offering this amendment, and I have worked with the ranking member, the gentleman from Wisconsin (Mr. OBEY), and also the chairman, the gentleman from Ohio (Mr. REGULA), about trying to work through this in conference, but I thought it was very important that we talk just a little bit about this piece of legislation.

The amendment that I have at the desk is an amendment today to fully fund a piece of legislation that was passed out of this body last year and that was signed by the President of the United States. It is called the Mosquito Abatement for Safety and Health Act, the MASH Act. The MASH Act has the support of the gentleman from Louisiana (Mr. TAUZIN) and also Senator GREGG, who have joined together to support this piece of legislation along with the National Association of Counties.

This amendment offers protection for our constituents from mosquito-borne diseases like the West Nile virus. This year alone, Mr. Chairman, over 1,100 human cases of the West Nile virus have popped up, and over 30 deaths have been reported in all but three States and the District of Columbia. Last year alone, this country faced over 9,800 human cases and 264 deaths from the West Nile virus which is spreading across our country.

Of course, countless Americans, mainly our young and our elderly, are very susceptible to the West Nile virus, but it can be kept under control.

I guess many of us outside of the deep South consider that Labor Day has passed and that summer is over, so the mosquitoes go away. But I can tell my colleagues that the infected mosquitoes are continuing to spread well into the months of November and even into some of December.

What this piece of legislation does is establish a one-time matching grant

through the CDC, Center for Disease Control, to enable counties to begin to improve their mosquito abatement programs. Funds can be used for laboratory equipment, purchase of equipment, conduct outreach, educational programs, the kinds of things we need to do to protect our constituents from mosquitoes and this bad disease.

Currently the CDC offers some educational programs, but they do not have real assistance to our counties and to our parishes to make sure that we have the proper funds. Abatement programs are handled through the local government in many instances. So the Federal Government, I believe, because of the West Nile virus and it being spread throughout the whole continental United States, needs to get involved in this to protect our constituents.

I certainly would ask both the chairman and the ranking member to work through this in conference committee, because I feel that this is not just a Louisiana problem, it is certainly a national problem. And I am prepared to withdraw the amendment at the proper time.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman's concern. We have the same concern, and we will do as much as we can in conference. This is a serious problem, and we have put \$42 million in CDC to combat West Nile virus, which is an increase over last year, but more needs to be done.

I commend the gentleman for bringing this issue to our attention. And as I understand, the gentleman is going to withdraw his amendment, but we will be sensitive to it.

Mr. Chairman, I might say for the benefit of Members that are watching, I believe this is the last amendment, so we should be able to wrap up here pretty fast, for those who have planes or whatever.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to assure the gentleman of my agreement with his comments. I think that we have become incredibly arrogant in assuming that we have conquered these virus-borne diseases and other communicable diseases. In fact, we are learning that we are going to be facing a whole new generation of threats to public health, and I think even with this additional money in the bill, there needs to be much, much more.

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume to thank both the ranking member and also the chairman for working on this with me. This is a new disease, and we do not know much about it. This can

go a long way in understanding and gaining some information and education about it and also in stopping the spread of this disease.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to explain to the House why there will not be a recommittal motion.

Mr. Chairman, I voted to report this bill from subcommittee and full committee to the House in order to give the House an opportunity to make some hard choices, but I had frankly expected to vote against the bill for all of the reasons listed in the minority views in the committee report beginning on page 281, and I submit for the RECORD at this point the minority views signed onto by the Democratic members of the subcommittee which outline in some detail what we consider to be the shortcomings of this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of \$1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about \$3 billion above the current year. That increase was largely allocated to a few areas: providing \$1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the ad-

ditional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

#### EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K-12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3-8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become "highly qualified."

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a \$2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

#### No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually cuts NCLB funding \$120 million below the Administration's request, while providing only \$328 million (1.3 percent) more than FY 2004. In total, the bill provides \$9.5 billion less than the funding promised in NCLB.

Fully funding Title 1—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title 1 grants to school districts receive a \$1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title 1 appropriations in FY 2005 would still fall \$7.2 billion short of the NCLB funding promise—accounting for most of the total \$9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at \$999 million—only half of the \$2.0 billion authorized by NCLB. At the \$2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at \$681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at \$168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at \$595

million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a \$63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a \$21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by \$316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly \$300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K-12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over \$100 million in education initiatives requested by the President.

#### Special education

President Bush's Commission on Excellence in Special Education concluded, "children with disabilities remain those most at risk of being left behind." The Committee bill makes progress in fulfilling federal commitments in special education by providing a \$1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls \$2.5 billion short of the \$13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

#### College assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at \$4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by \$99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a \$24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the \$66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

#### INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill

invests \$236 million *less* than the Administration's request and \$40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a \$25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's \$250 million request for the Community College technical training initiative and eliminates the \$90 million prisoner re-entry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hard-core disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to \$696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds \$100 million in prior funding, as requested by the Administration, for the H-1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only \$5 million to the Administration's request. The \$35.5 million provided in the bill includes only \$16 million for child labor projects compared with the \$82 million allocated in FY 2004.

#### FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

- The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.

- Rural Health Outreach Grants—which support primary health care, dental health,

mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.

- Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.

- Support for training in primary care medicine and dentistry—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.

- The Committee bill does include a small, \$5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.

- CDC's childhood immunization program receives a small but welcome \$11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.

- Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.

- The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and competing research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second

year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

#### HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added \$111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the \$64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are \$45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

#### THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above \$1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added \$7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over \$1 million. Instead of tax cuts averaging about \$127,000, this top-income group would have their tax cuts reduced to an average of \$89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

- Invest \$1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;

- Invest \$200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;

- Invest \$1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;

- Provide a \$450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;

- Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and

- Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional \$200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

- Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health

Block Grant, Family Planning, and Community Mental Health Block Grant.

- Avoid any cuts in health professions training programs, add \$20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add \$35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.

- Eliminate the proposed cuts in rural health programs, and add an additional \$19 million to better support rural health clinics, hospitals and emergency services.

- Provide \$50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.

- Add \$500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.

- Provide \$50 million more for child immunization, to help catch up with rising vaccine costs, and also add \$50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).

- Add \$200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average

home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional \$70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values as they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

DAVID OBEY.  
STENY HOYER.  
NITA LOWEY.  
ROSA L. DELAURO.  
JESSE L. JACKSON, JR.  
PATRICK J. KENNEDY.  
LUCILLE ROYBAL-ALLARD.

**Democratic Amendment  
to FY 2005 Labor-HHS-Education Appropriations**

Increase Above  
Committee Bill  
*Dollars in millions*

**Education**

Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by \$450 to \$4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
<i>Total, Department of Education</i>	<i>\$5,553</i>

**Employment and Training**

Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
<i>Total, Department of Labor</i>	<i>\$200</i>

**Health and Human Services**

Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100
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	Increase Above <u>Committee Bill</u> <i>Dollars in millions</i>
Preserving critical investments in medical research at NIH	500
Maintaining core health care “safety net” programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
<i>Total, Department of HHS</i>	<i>\$1,611</i>
<b>TOTAL</b>	<b>\$7,364</b>

### Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above \$1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging \$127,000, this group would receive tax cuts averaging \$89,000.

**DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT  
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS**

Program Level, \$ in millions

	FY 2004		FY 2005		FY 2005		FY 2005		Demographic Amendment Compared To:			
	Comparable		Request		Committee		Democrats		Committee			
	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent		
<b>Education Investments</b>												
Title 1 Grants to School Districts	\$12,342		\$13,342		\$13,342		\$14,842		\$1,500	11.2%	\$2,500	20.3%
21st Century After School Centers	\$999		\$999		\$999		\$1,199		\$200	20.0%	\$200	20.0%
IDEA Part B State Grants	\$10,068		\$11,068		\$11,068		\$12,268		\$1,200	10.8%	\$2,200	21.9%
<i>Federal Contribution</i>	18.6%		19.7%		19.7%		22.0%		\$0	11.7%	\$0	18.3%
Teacher Quality State Grants	\$2,930		\$2,930		\$2,950		\$3,175		\$225	7.6%	\$245	8.4%
Pell Grants	\$12,007		\$12,830		\$12,830		\$15,030		\$2,200	17.1%	\$3,023	25.2%
<i>Maximum Award</i>	\$4,050		\$4,050		\$4,050		\$4,500		\$450	11.1%	\$450	11.1%
Comprehensive School Reform	\$308		\$0		\$80		\$308		\$228	284.6%	\$0	0.0%
Subtotal, Department of Education									\$5,553		\$8,168	
<b>Employment and Training Investments</b>												
Dislocated Worker Assistance	\$1,454		\$1,383		\$1,479		\$1,517		\$38	2.6%	\$63	4.3%
<i>Formula</i>	\$1,178		\$1,100		\$1,178		\$1,216		\$38	3.2%	\$38	3.2%
<i>National Reserve</i>	\$276		\$283		\$301		\$301		\$0	0.0%	\$25	9.1%
Employment Service	\$851		\$763		\$763		\$851		\$88	11.5%	\$0	0.0%
International Labor Affairs	\$110		\$31		\$36		\$110		\$74	209.1%	\$0	0.0%
Subtotal, Department of Labor									\$200		\$63	
<b>Health &amp; Human Services Investments</b>												
Centers for Disease Control:												
HIV/AIDS, STD and TB Control	\$1,142		\$1,143		\$1,149		\$1,184		\$35	3.0%	\$43	3.7%
Immunization	\$643		\$644		\$654		\$704		\$50	7.6%	\$61	9.4%
Infectious Disease Control	\$369		\$401		\$401		\$416		\$15	3.7%	\$47	12.6%
National Institutes of Health	\$27,808		\$28,541		\$28,541		\$29,041		\$500	1.8%	\$1,233	4.4%
Community Health Centers	\$1,617		\$1,836		\$1,836		\$1,867		\$31	1.7%	\$250	15.5%
National Health Service Corps	\$170		\$205		\$170		\$190		\$20	11.8%	\$20	11.8%
Community Access Program	\$104		\$10		\$0		\$104		\$104	n.a.	\$0	0.0%
Maternal and Child Health Block Grant	\$730		\$730		\$730		\$770		\$40	5.5%	\$40	5.5%
Healthy Start	\$98		\$98		\$98		\$108		\$10	10.2%	\$10	10.2%
Family Planning	\$278		\$278		\$278		\$295		\$17	6.1%	\$17	6.1%
Ryan White AIDS CARE Act	\$2,065		\$2,080		\$2,100		\$2,130		\$30	1.4%	\$65	3.1%



**DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT  
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS**

*Program Level, \$ in millions*

	FY 2004		FY 2005		FY 2005		FY 2005		Democratic Amendment Compared To:	
	Comparable	Request	Committee	Democrats	Committee	Percent	Dollars	Percent	Dollars	Percent
Rural Health and Telemedicine <i>(Above line restores all programs to FY 2004 level, plus \$10 million for Rural Health Outreach, \$5 million for Telemedicine, and \$4 million for Rural EMS).</i>	\$111	\$34	\$88	\$129	\$41	47.2%	\$19	16.8%	\$19	16.8%
Substance Abuse and Mental Health Services	\$3,351	\$3,550	\$3,392	\$3,432	\$40	1.2%	\$81	2.4%	\$81	2.4%
Dental Care Initiative <i>(Above line adds \$10 million to National Health Service Corps, \$10 million to Rural Health Outreach and \$6 million to Health Professions, all for dental care, plus \$24 million for Dental Shortage Area Grants under PHS A sec. 340G)</i>				\$50	\$50	n.a.	\$50	n.a.	\$50	n.a.
Nurse Education <i>(Above line adds \$15 million to scholarship &amp; loan repayments, \$5 million each to advanced education nursing and diversity, \$4 million each to education-practice-retention and faculty loan repayments, and \$3 million to geriatric nursing.)</i>	\$142	\$147	\$147	\$182	\$35	23.8%	\$40	28.2%	\$40	28.2%
Health Professions Education	\$294	\$11	\$269	\$294	\$25	9.2%	\$0	0.0%	\$0	0.0%
Public Health Emergency Fund	\$2,164	\$2,225	\$2,369	\$2,425	\$56	2.4%	\$261	12.1%	\$261	12.1%
Low-Income Home Energy Assistance	\$1,889	\$2,001	\$2,000	\$2,200	\$200	10.0%	\$311	16.5%	\$311	16.5%
Child Care Development Block Grant	\$2,087	\$2,100	\$2,100	\$2,200	\$100	4.8%	\$113	5.4%	\$113	5.4%
Head Start	\$6,783	\$6,944	\$6,899	\$6,979	\$80	1.2%	\$195	2.9%	\$195	2.9%
Community Services Block Grant	\$642	\$495	\$628	\$650	\$23	3.6%	\$8	1.3%	\$8	1.3%
Community Services discretionary programs	\$89	\$57	\$83	\$90	\$7	8.8%	\$0	0.5%	\$0	0.5%
Refugee & Entrant Assistance	\$448	\$473	\$491	\$523	\$32	6.5%	\$76	16.9%	\$76	16.9%
Older Americans Act programs <i>(Above line adds \$20 million to Supportive Services, \$25 million to Nutrition, \$10 million to Family Caregivers and \$2 million to Native American Caregivers, \$4 million each to Native Americans and Protection of Vulnerable Older Americans and \$5 million to Alzheimer's Disease grants.)</i>	\$1,374	\$1,377	\$1,403	\$1,473	\$70	5.0%	\$100	7.2%	\$100	7.2%
Subtotal, Department of Health and Human Services					\$1,611		\$3,039		\$3,039	
<b>Total</b>					<b>\$7,364</b>		<b>\$11,269</b>		<b>\$11,269</b>	

**SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS  
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL**

*(Estimates, dollars rounded to nearest \$000; amounts may not sum to totals)*

	<b>Title 1</b>	<b>After School</b>	<b>IDEA Part B</b>	<b>Teacher Quality</b>	<b>Pell Grants</b>	<b>Total</b>
Alabama	+\$25,610,000	+\$2,927,000	+\$19,470,000	+\$3,700,000	+\$41,736,000	+\$93,443,000
Alaska	+\$4,027,000	+\$980,000	+\$3,631,000	+\$1,108,000	+\$1,716,000	+\$11,462,000
Arizona	+\$27,864,000	+\$3,619,000	+\$18,163,000	+\$4,647,000	+\$44,464,000	+\$98,757,000
Arkansas	+\$18,102,000	+\$1,823,000	+\$12,075,000	+\$2,324,000	+\$23,051,000	+\$57,375,000
California	+\$187,447,000	+\$27,678,000	+\$133,993,000	+\$30,073,000	+\$197,728,000	+\$576,919,000
Colorado	+\$15,473,000	+\$1,762,000	+\$15,382,000	+\$2,639,000	+\$24,202,000	+\$59,458,000
Connecticut	+\$13,794,000	+\$1,617,000	+\$13,699,000	+\$1,853,000	+\$11,572,000	+\$42,535,000
Delaware	+\$4,117,000	+\$980,000	+\$3,327,000	+\$1,108,000	+\$3,299,000	+\$12,831,000
District of Columbia	+\$5,235,000	+\$980,000	+\$1,673,000	+\$1,108,000	+\$5,906,000	+\$14,902,000
Florida	+\$62,613,000	+\$9,152,000	+\$68,360,000	+\$11,462,000	+\$108,565,000	+\$260,152,000
Georgia	+\$48,534,000	+\$5,986,000	+\$31,929,000	+\$6,688,000	+\$51,107,000	+\$144,244,000
Hawaii	+\$5,339,000	+\$980,000	+\$4,197,000	+\$1,108,000	+\$5,472,000	+\$17,096,000
Idaho	+\$5,361,000	+\$980,000	+\$5,712,000	+\$1,108,000	+\$11,559,000	+\$24,720,000
Illinois	+\$50,377,000	+\$8,197,000	+\$53,266,000	+\$8,541,000	+\$76,262,000	+\$196,643,000
Indiana	+\$27,895,000	+\$2,542,000	+\$26,842,000	+\$3,601,000	+\$35,923,000	+\$96,803,000
Iowa	+\$11,507,000	+\$980,000	+\$12,287,000	+\$1,513,000	+\$21,923,000	+\$48,210,000
Kansas	+\$13,770,000	+\$1,235,000	+\$11,500,000	+\$1,583,000	+\$18,402,000	+\$46,490,000
Kentucky	+\$25,154,000	+\$2,642,000	+\$15,714,000	+\$3,078,000	+\$30,709,000	+\$77,297,000
Louisiana	+\$33,963,000	+\$4,237,000	+\$19,525,000	+\$4,588,000	+\$40,562,000	+\$102,875,000
Maine	+\$5,862,000	+\$980,000	+\$5,507,000	+\$1,108,000	+\$7,067,000	+\$20,524,000
Maryland	+\$19,042,000	+\$2,602,000	+\$21,014,000	+\$3,003,000	+\$25,430,000	+\$71,091,000
Massachusetts	+\$26,580,000	+\$3,304,000	+\$28,570,000	+\$3,489,000	+\$29,523,000	+\$91,466,000
Michigan	+\$54,136,000	+\$6,220,000	+\$43,983,000	+\$6,478,000	+\$57,125,000	+\$167,942,000
Minnesota	+\$14,893,000	+\$1,488,000	+\$20,008,000	+\$2,444,000	+\$27,174,000	+\$66,007,000
Mississippi	+\$20,970,000	+\$2,461,000	+\$13,145,000	+\$2,962,000	+\$32,644,000	+\$72,182,000
Missouri	+\$24,977,000	+\$2,814,000	+\$22,863,000	+\$3,700,000	+\$35,980,000	+\$90,334,000
Montana	+\$5,039,000	+\$980,000	+\$4,000,000	+\$1,108,000	+\$7,819,000	+\$18,946,000
Nebraska	+\$7,456,000	+\$980,000	+\$7,516,000	+\$1,108,000	+\$10,990,000	+\$28,050,000
Nevada	+\$6,610,000	+\$1,027,000	+\$6,830,000	+\$1,438,000	+\$6,997,000	+\$22,902,000
New Hampshire	+\$4,234,000	+\$980,000	+\$4,776,000	+\$1,108,000	+\$4,913,000	+\$16,011,000

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*(Estimates, dollars rounded to nearest \$000; amounts may not sum to totals)*

	<b>Title 1</b>	<b>After School</b>	<b>IDEA Part B</b>	<b>Teacher Quality</b>	<b>Pell Grants</b>	<b>Total</b>
New Jersey	+\$38,083,000	+\$4,012,000	+\$36,380,000	+\$4,676,000	+\$39,909,000	+\$123,060,000
New Mexico	+\$15,676,000	+\$1,836,000	+\$9,600,000	+\$2,011,000	+\$16,075,000	+\$45,198,000
New York	+\$109,210,000	+\$19,493,000	+\$77,511,000	+\$15,198,000	+\$149,927,000	+\$371,339,000
North Carolina	+\$36,827,000	+\$4,264,000	+\$33,389,000	+\$5,754,000	+\$51,779,000	+\$132,013,000
North Dakota	+\$3,986,000	+\$980,000	+\$2,702,000	+\$1,108,000	+\$6,214,000	+\$14,990,000
Ohio	+\$58,614,000	+\$6,240,000	+\$50,213,000	+\$7,074,000	+\$68,552,000	+\$190,693,000
Oklahoma	+\$19,662,000	+\$2,184,000	+\$16,170,000	+\$2,804,000	+\$29,482,000	+\$70,302,000
Oregon	+\$21,693,000	+\$2,077,000	+\$14,341,000	+\$2,297,000	+\$22,828,000	+\$63,236,000
Pennsylvania	+\$59,457,000	+\$6,595,000	+\$47,480,000	+\$7,052,000	+\$70,915,000	+\$191,499,000
Puerto Rico	+\$58,352,000	+\$7,240,000	+\$11,102,000	+\$8,446,000	+\$80,026,000	+\$165,166,000
Rhode Island	+\$6,640,000	+\$980,000	+\$4,402,000	+\$1,108,000	+\$7,982,000	+\$21,112,000
South Carolina	+\$24,387,000	+\$2,606,000	+\$18,338,000	+\$3,068,000	+\$27,780,000	+\$76,179,000
South Dakota	+\$4,589,000	+\$980,000	+\$3,219,000	+\$1,108,000	+\$6,674,000	+\$16,570,000
Tennessee	+\$27,048,000	+\$3,164,000	+\$24,995,000	+\$4,127,000	+\$37,513,000	+\$96,847,000
Texas	+\$126,201,000	+\$17,610,000	+\$99,459,000	+\$20,053,000	+\$139,937,000	+\$403,260,000
Utah	+\$8,060,000	+\$980,000	+\$12,058,000	+\$1,477,000	+\$21,598,000	+\$44,173,000
Vermont	+\$3,763,000	+\$980,000	+\$2,605,000	+\$1,108,000	+\$3,452,000	+\$11,908,000
Virginia	+\$26,950,000	+\$3,065,000	+\$29,659,000	+\$4,192,000	+\$36,975,000	+\$100,841,000
Washington	+\$25,650,000	+\$2,656,000	+\$25,032,000	+\$3,681,000	+\$32,436,000	+\$89,455,000
West Virginia	+\$14,604,000	+\$1,470,000	+\$7,644,000	+\$1,408,000	+\$15,180,000	+\$40,306,000
Wisconsin	+\$25,618,000	+\$2,477,000	+\$22,012,000	+\$3,001,000	+\$24,620,000	+\$77,728,000
Wyoming	+\$3,847,000	+\$980,000	+\$2,734,000	+\$1,108,000	+\$3,361,000	+\$12,030,000
<b>TOTAL APPROPRIATION</b>	<b>+\$1,500,000,000</b>	<b>+\$200,000,000</b>	<b>+\$1,200,000,000</b>	<b>+\$225,000,000</b>	<b>+\$2,200,000,000</b>	<b>+\$5,325,000,000</b>

*Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.*

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD ON THE ADMINISTRATION'S OVERTIME REGULATION

The Administration is poised—in a few short weeks—to implement the most sweeping, anti-worker revision of the Fair Labor Standards Act (FLSA) since its inception in 1938. The overtime pay requirements of the FLSA, which guarantee for most workers “time and a half” pay for hours worked beyond a standard 40-hour work week, are one of the nation’s bedrock worker protections. The FLSA’s overtime provisions cover approximately 115 million workers—about 85 percent of the nation’s workforce.

On August 23rd, 2004, the Department of Labor’s final overtime regulations (redefining who is considered a professional, administrative, or executive employee and thereby exempt from overtime pay) are slated to go into effect, giving employers a huge windfall taken right out of employees’ paychecks. On the eve of Labor Day, more than 6 million Americans soon will be getting less pay for their labors courtesy of the Bush Administration.

This anti-worker regulation is just the latest attack on America’s workers by this Administration. Since President Bush entered office, 1.8 million private sector jobs have been lost. Despite modest job creation in the last few months, some 8.2 million Americans remain unemployed—2.3 million (38 percent) more than when President Bush entered office. Further, more unemployed individuals are out of work for longer periods of time. In June 2004, 1.7 million individuals had been unemployed for over 6 months—nearly triple the number of long-term unemployed at the start of the Administration.

For families who received overtime pay in 2000, overtime earnings accounted for about 25 percent of their income or about \$8,400 a year. Overtime compensation is essential to their ability to pay mortgages, medical bills, and make ends meet. Yet, despite the urgent need to halt the Administration’s assault on these workers, the House Appropriations Committee rejected, by a party line vote of 29 to 31, a Democratic amendment that would have prevented the Administration from rolling back the 40-hour workweek.

Last year, both the House and the Senate voted to stop the Administration from taking away workers’ rights to overtime when the Department of Labor issued its initial proposal to strip overtime protections away from 8 million workers. The Senate twice adopted amendments offered by Senator TOM HARKIN to prohibit the Administration from taking away overtime pay. Last October, the House voted to adopt the Obey-Miller Motion to Instruct by a vote of 221 to 203.

Both the Harkin Amendment and the Obey-Miller Motion to Instruct would have restricted the Administration’s ability to disqualify anyone from overtime protection, while retaining virtually the only positive change in the initial regulation—a long overdue and non-controversial increase in the protective salary threshold to guarantee overtime rights for low-income workers. Democrats support extending overtime protections to more low-income workers, even though the Administration’s proposal fails to provide a true inflationary adjustment to the salary threshold. (Moreover, we now know that that far fewer workers would actually benefit from this change than claimed by the Department of Labor.)

Yet, despite passage of these measures in the Senate and the House—in opposition to all the traditions of the Congress—the Re-

publican leadership stripped the Harkin language from the final fiscal year 2004 omnibus appropriations bill, allowing the Department of Labor to proceed with its anti-worker regulation.

On July 14, the Committee on Appropriations had an opportunity to preserve the hard-earned overtime rights for working Americans by adopting the Democratic amendment. The Democratic amendment was identical, in effect, to the earlier measures approved by both the House and the Senate. It would have prohibited the Department of Labor from implementing the final rule to disqualify workers from overtime coverage. At the same time, it would have allowed the expansion of overtime rights for low-income workers earning up to \$23,660 a year, precisely as proposed by the Department of Labor in its final regulation.

The Democratic amendment would protect more than 6 million workers in a broad range of occupations now at risk of losing their overtime rights according to estimates made by the Economic Policy Institute (EPI). Indeed, an even larger number of workers are likely to be harmed by the Administration rule because EPI examined only 10 of the hundreds of occupational categories covered by the Bush anti-worker regulation.

The Democratic amendment would protect:

- *2.3 million workers who lead teams of other employees assigned to major projects—even if these team leaders have no direct supervisory responsibilities for other employees on the team.* About 40 percent of employers with 50 or more employees routinely use work teams. Under the Department of Labor’s final regulation, however, we can expect even more employers to take advantage of this new exemption with enormous negative consequences for employees;

- *Nearly 2 million low-level working supervisors in fast food restaurants, lodging and retail stores.* Under the Department of Labor’s final regulation, these employees could lose 100 percent of their overtime eligibility even though only a small percentage of their time is spent on managerial work. For example, low-paid Burger King assistant manager who spends nearly all of his or her time cooking hamburgers and serving customers, with no authority to hire or fire subordinates, could lose all of his or her overtime pay. Moreover, it will not be easier for employers to evade the rules by converting hourly employees to exempt salaried employees;

- *More than 1 million employees without a college or graduate degree.* These employees will now be exempt from overtime pay as professional employees because employers will be able to substitute work experience for a degree under the Department of Labor’s final regulation.

Moreover, the Department of Labor has not resolved the question of whether training in the military can be considered substitute work experience. Thus, despite Labor Department denials, many veterans employed in engineering, accounting, and technical occupations could lose overtime pay. For example, the Boeing corporation observed, “\* \* \* many of its most skilled technical workers received a significant portion of their knowledge and training outside of the university classroom, typically in a branch of the military service \* \* \*”;

- *30,000 nursery school and Head Start teachers.* These already low-paid employees, who currently receive overtime pay because their jobs do not require them to exercise sufficient discretion and judgment to be considered professional employees, will lose the right to extra pay under the Department of Labor’s final regulation;

- *160,000 mortgage loan officers and hundreds of thousands of additional workers in the finan-*

*cial services industry.* These employees will lose their overtime rights because of a blanket industry exemption in the Department of Labor final regulation for financial service employees who work at such duties as collecting customer financial information, providing information and advice about financial products, or marketing financial products;

- *Nearly 90,000 computer employees, funeral directors and licensed embalmers.* These employees will become exempt and lose their right to pay under the Department of Labor’s final regulation; and

- *Nearly 400,000 workers earning more than \$100,000 annually.* Under the Department of Labor final regulation, these highly compensated employees will lose overtime pay under a new blanket exemption if they perform only a single exempt task “customarily or regularly”, such as suggesting discipline, promotion or assignment of other employees perhaps as infrequently as twice a year. Over time, as incomes grow, the number of employees bumped into this new exclusion from overtime pay will increase.

The Department of Labor failed to hold a single public hearing on one of the most controversial regulations in the history of the Department, despite receiving 75,280 comments on its proposals. Indeed, the Department of Labor even provided information to employers in its initial regulation on how to escape overtime pay requirements as part of a concerted campaign to give employers dozens of new ways—both obvious and subtle—to reclassify workers to cut costs.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40 hour work week; (2) paying statutory overtime premiums for affected workers’ hours worked beyond 40 per week; (3) raising employees’ salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees’ basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

The Administration claims that its overtime regulation will strengthen and expand overtime protections. The facts say different. Even the Republican-led Senate voted 99 to 0 in favor of the amendment offered by Senator Judd Gregg to protect overtime rights in 55 job classifications—including blue-collar workers, registered nurses, police officers, and firefighters—because they had no confidence in the Administration’s claims.

The Administration claims that its overtime regulation will reduce costly and lengthy litigation. However, three experts who formerly administered the FLSA in the Department of Labor during both Republican and Democratic administration reached exactly the opposite conclusion.

Further, in our view, the Department has written rules that are vague and internally inconsistent, and that will likely result in a profusion of confusion and court litigation—outcomes that the Department explicitly sought to avoid.

For example, the former Department of Labor officials observed that,

The team leader provision in new Sec. 541.203(3) is an entirely new regulatory concept that is also fraught with ambiguity. This provision is not based on case law, but is purportedly an attempt to reflect modern workplace practices. . . . Furthermore, the regulations do not address the very real possibility that team leaders may be working on a number of different short- or long-term projects, simultaneously or in succession,

some of which would be major and directly related to the performance of management or general business operations and some of which would not. Evaluating the team leader's primary duty in that instance will be very difficult at best. Would the employee, for example, move in and out of exempt status from one week to the next? How this provision will operate in practice can only be imagined, but one can surmise that employers will seek to apply this provision to large numbers of employees to whom the exemption was never intended to apply.

Rather than providing more clarity to protect more workers, the Administration's overtime regulation constituents an open invitation to dispute. The Department of Labor deliberately has replaced long-standing, objective criteria by which employers and employees could clearly understand who qualifies for overtime pay and who does not with ambiguous concepts and criteria. These changes will require subjective judgments by employers that no doubt will be made based on the employers' economic interests to the detriment of workers. Practically the only instances in which the Labor Department "clarified" the rules are by declaring virtually entire classes of workers—for example, financial services workers, insurance claims adjusters, athletic trainers, funeral directors and embalmers, and employees earning more than \$100,000—ineligible for overtime pay.

At a time when millions of families feel lucky just to have a job, this Committee should have rejected the Administration's proposed pay cut for 6 million American families. By failing to adopt the Democratic amendment, the Committee failed to uphold the values of working and middle class Americans who simply want a fair day's pay for a hard day's work.

DAVID OBEY.  
STENY HOYER.  
NITA LOWEY.  
ROSA L. DELAUNO.  
JESSE L. JACKSON, Jr.  
PATRICK J. KENNEDY.  
LUCILLE ROYBAL-ALLARD.

Mr. Chairman, the fact is that the only chance we have to improve this bill is to send it to conference with the Senate, because without going to conference, we cannot correct the shortcomings produced by the subcommittee.

In spite of that, I intended to vote against the bill until the House today adopted the Obey-Miller amendment. With the adoption of that amendment, which is an attempt to restore overtime rights to some 5 million workers, this bill becomes at this point the only vehicle by which we have a shot at restoring those overtime rights. So I will most reluctantly vote to move this bill on to conference.

But I want to make clear to the majority that if the conference report comes back with this provision stripped, and if the conference report comes back without correcting some of the deficiencies that we have laid out in the minority views, and we do not expect them all to be corrected, but we certainly expect some to be corrected in a legitimate give-and-take process, but if this overtime provision winds up being stripped out of the bill, and if some of these shortcomings are not corrected, then I want to make quite clear to the majority not to expect me

to vote for it when it comes back from conference, because I will not do so.

This bill falls far short of where it needs to be to protect the long-term interests of our children and our workers, and especially those people without health care. And I would urge Members of the other body to make enough changes when they consider the bill so that we have a reasonable prospect in conference of actually producing a decent bill.

I appreciate the support that we got today from every Member on this side of the aisle and 22 Members on that side of the aisle on the overtime provisions. I hope that Members will insist, now that they voted that way, I hope that they will insist that that provision stays nailed in the bill, unlike last year when the provision was removed by the leadership.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to thank the gentleman for his cooperation. It really has been a team effort in many ways, and I think this bill does reflect, maybe not in total numbers of dollars, but certainly in terms of what we had available, I think we have reflected the Members' priorities pretty well across the board, both sides of the aisle, and we have tried to reflect the needs of the American people.

I think the bill is very fair. It is very well balanced. We have had the support of the minority in the subcommittee and the full committee that reflects that. Obviously, many would like to have more money, but we have to work with what we have. And given what was available, I think we worked together to produce a very responsible bill, so I would urge all of our Members to support this bill on final passage.

I think the membership can point to it with satisfaction; maybe not with complete agreement, but satisfaction that it reflects as well as possible the aspirations and priorities of Members given the amount of money that was available to us through the budget process.

□ 1800

AMENDMENT OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 225, not voting 30, as follows:

[Roll No. 439]

AYES—178

Aderholt	Forbes	Miller, Gary
Akin	Fossella	Moore
Alexander	Franks (AZ)	Musgrave
Bachus	Frost	Myrick
Baker	Gallegly	Neugebauer
Barrett (SC)	Garrett (NJ)	Ney
Bartlett (MD)	Gibbons	Norwood
Barton (TX)	Gillmor	Otter
Bass	Gingrey	Paul
Billirakis	Goode	Pence
Bishop (UT)	Goodlatte	Peterson (MN)
Blackburn	Gordon	Petri
Boehler	Granger	Pitts
Bonner	Graves	Platts
Bono	Green (WI)	Pombo
Boozman	Gutknecht	Putnam
Boswell	Hart	Rahall
Boyd	Hayes	Rehberg
Bradley (NH)	Hayworth	Renzi
Brady (TX)	Hefley	Reynolds
Brown (SC)	Hensarling	Rogers (AL)
Brown-Waite,	Herger	Rogers (KY)
Ginny	Herseth	Rogers (MI)
Burgess	Hill	Rohrabacher
Burns	Hoekstra	Royce
Burr	Hooley (OR)	Rush
Burton (IN)	Hostettler	Ryan (WI)
Buyer	Hulshof	Ryun (KS)
Calvert	Hunter	Sanders
Camp	Isakson	Sandlin
Capito	Israel	Saxton
Carson (OK)	Istook	Sensenbrenner
Carter	Jenkins	Sessions
Chabot	John	Shadegg
Chandler	Johnson (IL)	Shays
Chocoma	Johnson, Sam	Shimkus
Coble	Jones (NC)	Simmons
Cole	Keller	Simpson
Collins	Kelly	Skelton
Costello	Kennedy (MN)	Smith (MI)
Cox	King (IA)	Smith (TX)
Cramer	Kingston	Stearns
Cubin	Kirk	Stenholm
Culberson	Kline	Sullivan
Cunningham	Kolbe	Sweeney
Davis (TN)	LaHood	Tancredo
Davis, Jo Ann	Lampson	Taylor (MS)
Davis, Tom	LaTourette	Taylor (NC)
Deal (GA)	Lewis (KY)	Terry
DeFazio	LoBiondo	Thornberry
DeLay	Manzullo	Upton
DeMint	Marshall	Vitter
Doolittle	Matheson	Walden (OR)
Duncan	McCotter	Wamp
Edwards	McHugh	Weldon (FL)
Emerson	McIntyre	Weldon (PA)
Everett	McKeon	Whitfield
Feeney	Mica	Wolf
Flake	Miller (FL)	Miller (MI)
Foley	Miller (MI)	Wu

NOES—225

Abercrombie	Conyers	Frank (MA)
Ackerman	Cooper	Frelinghuysen
Allen	Crane	Gerlach
Andrews	Crenshaw	Gilchrest
Baca	Crowley	Gonzalez
Baird	Cummings	Green (TX)
Baldwin	Davis (AL)	Grijalva
Beauprez	Davis (CA)	Gutierrez
Becerra	Davis (FL)	Hall
Bell	Davis (IL)	Harman
Berkley	DeGette	Harris
Berman	DeLauro	Hastings (FL)
Berry	Deutsch	Hastings (WA)
Biggert	Diaz-Balart, L.	Hinchee
Bishop (GA)	Diaz-Balart, M.	Hinojosa
Bishop (NY)	Dicks	Hobson
Blumenauer	Dingell	Hoefel
Blunt	Doggett	Holden
Boehner	Dooley (CA)	Holt
Bonilla	Doyle	Honda
Boucher	Dreier	Houghton
Brady (PA)	Dunn	Hoyer
Brown (OH)	Ehlers	Hyde
Brown, Corrine	Emanuel	Inslee
Butterfield	Engel	Issa
Cantor	English	Jackson (IL)
Capps	Eshoo	Jackson-Lee
Capuano	Etheridge	(TX)
Cardin	Evans	Jefferson
Carson (IN)	Farr	Johnson (CT)
Case	Fattah	Johnson, E. B.
Castle	Ferguson	Jones (OH)
Clay	Filner	Kaptur
Clyburn	Ford	Kennedy (RI)

Kildee	Murphy	Scott (VA)
Kilpatrick	Murtha	Serrano
Kind	Nadler	Shaw
King (NY)	Napolitano	Sherman
Klecicka	Neal (MA)	Sherwood
Knollenberg	Northrup	Slaughter
Kucinich	Nunes	Smith (NJ)
Lantos	Nussle	Smith (WA)
Larsen (WA)	Oberstar	Snyder
Larson (CT)	Obey	Solis
Latham	Olver	Souder
Leach	Ortiz	Spratt
Lee	Osborne	Stark
Levin	Ose	Strickland
Lewis (CA)	Owens	Stupak
Lewis (GA)	Oxley	Tauscher
Linder	Pallone	Thomas
Lofgren	Pascrell	Thompson (CA)
Lowey	Pastor	Thompson (MS)
Lucas (KY)	Payne	Tiahrt
Lynch	Pearce	Tiberi
Majette	Pelosi	Tierney
Maloney	Pickering	Turner (OH)
Markey	Pomeroy	Udall (CO)
Matsui	Porter	Udall (NM)
McCarthy (MO)	Portman	Van Hollen
McCarthy (NY)	Price (NC)	Velázquez
McCollum	Pryce (OH)	Visclosky
McCrery	Rahall	Walsh
McDemott	Regula	Waters
McGovern	Rodriguez	Watson
McNulty	Ross	Watt
Meek (FL)	Rothman	Waxman
Meeks (NY)	Roybal-Allard	Weiner
Menendez	Ruppersberger	Weller
Michaud	Sabo	Wexler
Millender-	Sánchez, Linda	Wicker
McDonald	T.	Wilson (NM)
Miller (NC)	Sanchez, Loretta	Wilson (SC)
Miller, George	Schakowsky	Woolsey
Mollohan	Schiff	Wynn
Moran (VA)	Scott (GA)	Young (FL)

## NOT VOTING—30

Ballenger	Lucas (OK)	Ros-Lehtinen
Cannon	McInnis	Ryan (OH)
Cardoza	Meehan	Schrock
Delahunt	Moran (KS)	Shuster
Gephardt	Nethercutt	Tanner
Goss	Peterson (PA)	Tauzin
Greenwood	Quinn	Toomey
Kanjorski	Radanovich	Towns
Langevin	Rangel	Turner (TX)
Lipinski	Reyes	Young (AK)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1827

Messrs. FATTAH, PEARCE and GUTIERREZ, Ms. KAPTUR, and Messrs. TIAHRT, MCCRERY, STRICKLAND and ISSA changed their vote from “aye” to “no.”

Messrs. BOEHLERT, ROGERS of Michigan, FROST, WELDON of Florida, FOSSELLA, SANDLIN, JOHN and LAMPSON, Ms. HOOLEY of Oregon, and Messrs. BURGESS, MOORE, HILL, WU, TOM DAVIS of Virginia and WELDON of Pennsylvania changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005”.

Mr. THOMAS. Mr. Chairman, the LoBiondo amendment to Section 221 of H.R. 5006, the “Department of Labor, Health and Human Services, and Education, and Related Agen-

cies Appropriations Act, 2005,” would make a change to Medicare Part A payment policy, and thus falls within the sole jurisdiction of the Committee on Ways and Means. Legislating on an appropriation bill is a violation of House Rules XXI, and the Committee opposes attempts to legislate on appropriation bills. However, in this case, I have worked with Representatives LOBIONDO, LOWEY and WAMP to draft the amendment being offered today to ensure that the Committee’s position is addressed. The Committee on Ways and Means has long been involved in this issue and is interested in ensuring that any rule relating to the classification of inpatient rehabilitation hospitals is properly implemented and enforced. The amendment is being offered with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Mr. OWENS. Mr. Chairman, I wish to express grave concern over a clause in this bill that would seriously erode worker protections against tuberculosis, TB, and bioterrorism. This provision prohibits the Occupational Safety and Health Administration, OSHA, from fully enforcing its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush administration is invoking daily, color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect health care workers against air-borne pathogens or airborne “weapons of mass destruction.” By prohibiting OSHA from enforcing the annual fit test for workers’ respirators or masks, that is exactly what is possible.

According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, biological agents that might be used as biological weapons include small pox, pneumonic plague, and drug-resistant TB. To undercut the only protection that front-line health care workers would have to such agents—namely, their respirators—is absolutely unconscionable.

Mr. Speaker, I ask unanimous consent that a letter on this critical health issue from the Director of Occupational Health and Safety at the Service Employees International Union (SEIU) be included in the RECORD at this point. I trust and hope my colleagues in the Senate will see the wisdom of opposing any such effort to weaken workers’ protections against TB and bioterrorism.

## AN OPEN LETTER TO APIC MEMBERS

Dear APIC member:

I ran across your e-mail thread from my colleagues in the occupational health and safety community. As I am not an APIC member (yet), I hope that you are not offended by my taking this liberty to communicate directly with you about a manner of utmost importance to all of us who are concerned about health care worker occupational health and safety.

The APIC leadership (with AHA) have been on a crusade to undermine adequate TB and respiratory legal protections for health care workers for some time now. They are proud of their singular role in working with Congressman Roger Wicker (R-MS), whose state coincidentally is surrounded by states with some of the highest rates of TB, to kill the OSHA TB rule late last year.

Not satisfied with that “accomplishment”, APIC leadership is now determined to gut the application of the OSHA respirator standard that has been on the books for all

other chemical, biological and infectious disease agents, except TB since 1998. The reason that the respirator standard didn’t apply to TB until now is because the separate OSHA TB standard (that APIC had killed) would have covered respiratory protection within the framework of a comprehensive TB rule.

As someone trained as a microbiologist and industrial hygienist working in the healthcare sector for the past 24 years, I must tell you that your APIC leadership is dead wrong to oppose annual fit testing against TB and other airborne biological hazards. I am not alone. Every labor organization that represents health care workers also supports annual fit testing, as does the Bush Administration, the American Nurses Association, American Industrial Hygiene Association and the 50,000 member American Public Health Association.

Let’s look at the facts:

(1) Last year TB rates had their smallest decline in years; rates increased in twenty states.

(2) Without annual fit testing, respirator face seals will erode over time, respirators will leak, and more healthcare workers will experience TB conversions. Respirator manufacturers recommend annual fit testing for their products to work properly.

(3) The APIC leadership is misleading you when they say that the Wicker amendment is supported by CDC. This is not true. The official CDC position has never differed from OSHA’s position either verbally or in writing.

(4) The official position of the Bush Administration in supporting annual fit testing, was articulated in the December 30, 2003 Federal Register OSHA notice, stating that fit testing is crucial to a proper face seal, and that over time that 5% to 50% of all workers will lose a proper face seal each year if annual fit testing is not performed.

(5) As far as the argument that there is “no difference” between a surgical mask vs. a properly fitted N95 respirator, a study conducted by Nelson Laboratories in Salt Lake City last year found that a surgical mask filtered out 61.9%–62.3% of particles in the respirable 0.3 micron range vs. 97.9%–99.7% for a properly fitted N95 respirator.

Many of you may recall the clamor of opposition against the bloodborne pathogens standard in the late 1980s. Many dentists claimed that if they wore gloves, that patients wouldn’t see them. Today the opposite is the case, while the CDC reports that since the standard took effect, that hepatitis B cases among health care workers have plummeted from 17,000 a year to 400.

Today, as a result of the requirements under the bloodborne pathogens standard, many infection control professionals have more resources to do their job. The same could be the case if we work together to protect health care workers from airborne exposures to TB through annual fit testing; also conferring protections against SARS, avian flu and airborne weapons of mass destruction.

SEIU represents 1.7 million workers, with over half employed in health care, including over 100,000 nurses and 20,000 physicians. Many of our members are APIC members who vehemently disagree with the position of the current APIC leadership. I know that many other APIC members believe that their current leadership is not acting in the best interest of their membership when they work so zealously in opposition to these basic worker protections.

I respectfully suggest that APIC members learn the facts, and work to support an APIC leadership that shares our joint interests in protecting both workers and patients.

Sincerely:

BILL BORWEGEN, MPH,  
Director, Occupational Health and Safety  
Service Employees International Union.

Mr. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nation wide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 5006 gives abstinence-only programs an increase of \$35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

Mr. ISRAEL. Mr. Chairman, I rise today with concern for our public education system. As a new school year begins on Long Island, many parents are eager to find out if their children's schools will be labeled failing or in need of improvement, assessments mandated by the federal No Child Left Behind Act. I believe this is also an ideal time for the administration and Congress to assess federal efforts to support our nation's public schools.

The Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act were landmark federal policies to ensure quality education for children with disabilities and improve learning results. Unfortunately, these well meaning efforts have been met with great controversy on the local level due to immense funding inadequacies.

The monumental No Child Left Behind Act passed Congress in 2001. It made a deal with America's public schools: in exchange for new standards of excellence, the legislation promised new federal funding. Unfortunately, the federal government has not held up its end of

the bargain. The FY05 Labor, Health and Human Service and Education Appropriations Act alone shortchanges No Child Left Behind programs by whopping \$9.5 billion, making it increasingly difficult for schools to meet new, higher standards.

In 1975, the federal government committed to pay 40 percent of the cost of educating children with disabilities. Not once have they come close to honoring this commitment. The FY05 Labor, Health and Human Service and Education Appropriations Act, which closely follows the President's funding request, provides \$2.5 billion less than what was promised for special education just last year. This keeps the federal government's share at less than 20 percent. This is shameful because fully funding IDEA would benefit every child in every classroom by providing fiscal breathing room to school districts and local tax relief to families.

The administration's support of our public schools is failing and the legislation we are debating today is in clear need of improvement. The Fiscal Year 2005 Labor, Health and Human Services and Education Act will likely pass this chamber today. It is my hope that a House/Senate conference committee will make substantial improvements in fulfilling our promise to local schools by increasing funding.

Mrs. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my concern about the funding cuts for two important programs, the Community Service Block Grant and the Social Services Block Grant.

The Community Service Block Grant funds the anti-poverty Community Action Agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate and deliver comprehensive programs and services to those living in poverty.

The Community Service Block Grant is a unique and essential resource. It provides the necessary tools for employment and training, education, housing, senior services, energy assistance, community development, health, nutrition, Head Start and other programs to help families escape and remain out of poverty.

Unfortunately, funding for this vital program has decreased since it was funded at \$650 million in 2002. This Labor, Health and Human Services, and Education Appropriations bill would fund the Community Service Block Grant at \$627.5 million. I encourage my colleagues to support restoring this program's funding in conference.

Funding for the Social Services Block Grant has also declined over the past few years.

Created in 1981, the Social Services Block Grant contributes federal funds to states for providing social services.

States have broad discretion over the funds, which are directed at increasing self-sufficiency, preventing or remedying neglect and abuse of children and adults and preserving families. The funds are used both by local governments and nonprofit organizations to meet the specific and unique needs of the local population.

In the 1996 welfare reform law, states agreed to a reduction of the Social Services Block Grant authorization from its FY 95 high of \$2.8 billion to \$2.38 billion through FY 03. In exchange, Congress allowed each state to

transfer up to 10 percent of its Temporary Assistance for Needy Families (TANF) funds into Social Services Block Grants.

In 1998, the maximum funding amount for the Social Services Block Grant was further reduced to \$1.7 billion, effective in FY 01. Today's legislation appropriates the same amount, \$1.7 billion, for FY 05.

I believe it is imperative to restore funding to the Social Services Block Grant because it is essential we preserve and strengthen the critical safety net it provides. With that being said, I appreciate Chairman REGULA's good work with limited resources and support passage of the bill.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act. While this bill contains many flaws, it is an unfortunate reality that we must attempt to fund important government functions within the budgetary constraints that the Administration's policies have created.

Among the many cuts, there are a few welcome funding increases in this bill. First, this bill contains an increase of \$125 million in LIHEAP funds, which is desperately needed to help my constituents keep their homes warm during the upcoming winter. As energy costs rise and the economy remains weak, more and more households need assistance to survive the harsh Northern winter. I hope more funds for this successful program are included in conference.

In addition, this legislation contains an increase of \$219 million for Community Health Centers, which provide primary and preventive health care services in medically-underserved areas throughout the country, including the Providence Community Health Centers in my district. Without these facilities, numerous Americans would not have access to vital health care.

H.R. 5006 increases the national Institutes of Health budget by \$727 million to search for cures for spinal cord injuries, cancer, Parkinson's disease, Alzheimer's disease, and numerous other ailments. These funds bring us closer to treating deadly and painful diseases affecting nearly every American family. I support an additional \$500 million, as proposed in the Obey amendment, to keep pace with inflation and fund this important research.

Unfortunately, the restrictive rule did not allow an opportunity for the House to vote on the Obey amendment. This alternative would correct many of the funding shortfalls for national priorities by fully funding No Child Left Behind, Pell Grants, Perkins Loans, the Community Access Program, and numerous other health, education, and job training programs facing cuts under this bill. The Obey amendment would have been fully offset by slightly reducing the tax break for those who earn more than \$1 million per year, a small sacrifice to improve the lives of so many Americans.

I am delighted, however, that the Obey-Miller Overtime Amendment was passed by the House. This amendment would overturn the Administration's misguided overtime regulations that took effect on August 23rd, ending guaranteed overtime pay for up to 6 million workers. This regulation is an unprecedented assault on American workers and discourages businesses to hire new workers. The Obey-

Miller Amendment would guarantee that supervisory and administrative employees, including registered nurses, working foremen, salespersons, law enforcement officers, and nursery school teachers, keep the overtime pay they depend on. I hope that the conference agreement on this appropriations bill will retain this important provision to prevent the further erosion of workers' rights.

Despite the bill's shortcomings, I will be voting in favor of H.R. 5006. I commend the Ranking Member and Chairman, and the rest of the Appropriations Committee, for their work within difficult constraints. The funding level in this bill is a direct result of the fiscally irresponsible policies of the Administration, which will result in a projected record \$422 billion deficit for fiscal year 2004. I expect next year's deficit will be even higher. Deficits will continue to increase until this Administration and this Congress realize that cutting taxes for the wealthy during a time of extraordinary security demands only exacerbates the budgetary crisis. Without discipline, future generations will be saddled with the debt we are creating today. Although the bill is not perfect, I urge my colleagues to join me in a call for fiscal responsibility and support H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill.

Ideology, not science, has been driving America's response to the devastating problem of teen pregnancy and STD/HIV infection. Funding for restrictive abstinence-only programs are dramatically increasing. All told, abstinence-only programs have received over half a billion dollars in federal funds since 1997, and the Bush administration requested an unprecedented increase to \$273 million in fiscal year 2005.

This huge investment of taxpayer funds in abstinence-only programs conflict with scientific and medical research: abstinence-only programs have never been proven effective and may result in riskier behavior by teenagers. Responsible sex education programs, on the other hand, have demonstrated positive results such as delayed initiation of sex, reduced frequency of sex, and increased contraceptive use.

Ideologically driven groups, not scientific or public health organizations, have pushed the proliferation of abstinence-only programs. In fact, current scientific research fails to show that abstinence-only programs are effective.

In 2001, the National Campaign to Prevent Teen Pregnancy found no credible studies of abstinence-only programs showing any significant impact on participants' initiation of or frequency of sex.

By denying adolescents complete information and by censoring teachers, abstinence-only programs endanger our youth.

Abstinence-only programs can harm teens by putting them at risk of pregnancy and STDs. Abstinence-only programs fail to provide information about contraception beyond failure rates, and, in some cases, provide misinformation. Without complete and accurate information, some teens therefore may forgo contraceptive use, jeopardizing their reproductive health.

The lack of responsible sex education puts teens at risk of pregnancy and STDs, includ-

ing HIV. One study that compared an abstinence-only program with a more comprehensive "safer-sex" program found that "only the safer-sex intervention significantly reduced unprotected sexual intercourse."

The recent explosion of federal funds for abstinence-only programs has negatively influenced schools. Almost one-third of secondary school principals surveyed reported that the federal abstinence-only funding influenced their school's sex education curriculum.

Current research indicates that more comprehensive sex education programs that discuss both abstinence and contraception have positive effects.

In 2001, the National Campaign to Prevent Teen Pregnancy concluded that sex and HIV education programs that discuss both abstinence and contraception delay the onset of sex, reduce the frequency of sex, and increase contraceptive use.

Moreover, their review of studies dispelled many of the myths attached to responsible sex education programs. In particular, the study showed that sexuality and HIV education programs that include discussion of condoms and contraception: do not hasten the onset of sexual intercourse; do not increase the frequency of sexual intercourse; and do not increase the number of sexual partners.

The National Academy of Sciences' Institute of Medicine concluded that sex education and condom availability programs in schools do not increase sexual activity among teenagers.

Teaching our children about abstinence is a critical part of a well-rounded and effective sex education program. But abstinence by itself is not sufficient. Young people deserve complete and accurate information about their reproductive health, including abstinence, pregnancy prevention, and STD/HIV prevention. Only when teens have reliable information about their reproductive health can they make informed and appropriate decisions.

Given the high stakes facing teens, the fact that almost half of all teens aged 15 to 19 years old in the United States have had sex, and the absence of research showing that abstinence-only programs are effective, "Just Say No" efforts are misleading at best, and dangerous at worst. Congress should enact policies that effectively and responsibly address the current crisis in adolescent reproductive health. Federal funds should be directed at responsible sex education programs that provide teen with the information and skills they need to protect themselves and that have demonstrated positive results.

Mr. Chairman, I rise to reiterate my opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill and the blatant assault on a woman's right to choose.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant support of the Labor-HHS-Education Appropriations bill for Fiscal Year 2005.

I say reluctant, because while there are some good things in the bill, it is lacking due to the fact that the House Republican leadership has failed to reach a budget agreement with the Senate Republican leadership. As a result, the bill before us has an inadequate budget allocation for the important health and human services programs it funds.

While Democrats have reluctantly supported appropriations bills this year in order to move the process forward, we all recognize they are woefully inadequate based on the needs of

the country. Nevertheless, my support of this bill is based on the fact that Chairman RALPH REGULA and Chairman BILL YOUNG are to be commended for the work they have done with the unrealistic budget limits they have been given, and the fact that I appreciate Chairman REGULA including in the bill and report several important items I highlighted during our subcommittee hearings.

First, the bill contains an increase for the national folic acid education program. Representative JO ANN EMERSON and I were the authors of this program that was established by the Children's Health Act of 2000. Severe brain and spinal defects have dropped 27 percent in the U.S. since the government, in 1998, began requiring makers of cereal, pasta, bread and flour to fortify their foods with folic acid. However, a national public and health professions education campaign designed to increase the number of women taking folic acid daily is still imperative to eliminate these birth defects.

Second, language was included commending the Secretary of Health and Human Services for establishing an interagency committee on underage drinking and moving forward with a national media campaign, to be conducted by the Ad Council, to combat underage drinking. I feel certain that the final bill will include funding for the second year of this important national media campaign. These significant accomplishments by the department and by the Substance Abuse and Mental Health Services Administration acting as the lead agency, stem from a bipartisan effort that I have been proud to lead with Representatives FRANK WOLF, ROSA DELAURO, ZACH WAMP, and TOM OSBORNE and supported by Senators MIKE DEWINE and CHRIS DODD.

Also, a number of other issues have been addressed in our report, including the migrant and seasonal head start program, farmworker housing programs, a pending regulation in the Department of Labor regarding personal protective equipment for employees, and newborn screening initiatives. I ask the various departments to pay close attention to the committee's directives on these important subjects and the issues they raise based on the experiences of the many affected constituent groups and the input from the administration during budget oversight hearings.

In the end, however, this bill will be evaluated on the resources it provides to the many deserving programs within our subcommittee's jurisdiction. And unfortunately, due to the budget constraints I have already mentioned, the bill in front of us shortchanges some of the very programs and the very needs that so many witnesses told us about in their testimony.

For example, Congress and the President made a commitment to our nation's children through the No Child Left Behind legislation passed with so much fanfare two years ago. Unfortunately, against the backdrop of record school enrollments, unprecedented federal education accountability requirements, and rising demand for college assistance, the bill provides only a 3.6 percent increase for the Department of Education's discretionary programs. No Child Left Behind is actually cut \$120 million below the Administration's request, and the bill provides \$9.5 billion less than the funding promised by the No Child Left Behind authorization. While 4-year public colleges and universities have experienced an



average 26 percent tuition increase in the last two years, the bill freezes the maximum Pell Grant for low-income college students at \$4,050.

Training America's work force is the key to competing in a global economy, and training is also essential to prevent the loss of American jobs to competitors overseas. Despite a loss of 1.8 million private sector jobs since President Bush took office, the bill provides \$40 million less than last year for employment and training assistance programs administered by the Department of Labor.

Health programs point out the real dilemma in our bill. Although the bill does substantially increase funding for community health centers, global disease detection, AIDS drug assistance, and chronic disease prevention, a number of other programs are cut including rural health outreach grants, health training programs in primary care medicine and dentistry, the Maternal and Child Health Block Grant, and the Preventive Health and Health Services Block Grant. Funding for the National Institutes of Health is increased, but the 2.6 percent increase is the smallest in 19 years and less than the 3.5 percent increase estimated to cover inflation costs for biomedical research.

Democrats don't just criticize, however. We offered revisions to the budget resolution that would have allowed this bill to make a greater investment in education, health care, and medical research. When the bill was considered by the subcommittee and the full Appropriations Committee, we again offered amendments to add \$7.4 billion to the bill by reducing by 30 percent the 2005 tax cuts for people with incomes over \$1 million. In fact, polls consistently show that the American public is far more interested in preserving important education and health priorities than in tax cuts that benefit primarily the rich.

I agree with the common-sense approach to this problem that has been consistently laid out by Ranking Member DAVID OBEY. Let's simply reduce—not eliminate, but reduce—the tax break we give to millionaires—those with adjusted incomes greater than \$1 million. By doing so we can increase Title I, add funding for No Child Left Behind programs, maintain college affordability by raising Pell grants, shore up our health safety net programs, rebuild our public health system to respond to disease outbreaks and possible terrorist attacks.

But these fiscally responsible efforts by Mr. OBEY and other Democrats have been defeated by the Republican majority at each turn, resulting in the bill we are considering today.

The bill before the House is governed by a rule that prevents us from having these choices because the Republican leadership knows that given the opportunity this House would vote overwhelmingly to adequately fund this bill.

The Labor-HHS-Education bill, which is one of the most important bills that comes out this House, contains the most deserving programs administered by the federal government in support of the well-being of our people. These programs are also cost-effective in providing worker training and protection, helping to educate our children from Head Start to Pell grants, and in contributing to a healthy populace through our public health system and health safety net programs.

The bill in front of the House today is the best that can be done under the circumstances. But it does not reflect the aspirations of American society. I believe we can do more for America's children, America's workers, and America's future. Although I will support this bill today, I will continue to work with my colleagues on the Appropriations Committee and in the House to look for opportunities before we complete our work this year so that the future of America's children and America's families will be bright.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 5006, the Labor/HHS Appropriations Bill for FY 2005, and to inform members that this bill is in compliance with the budget resolution for FY 2005 as applied to the House by H. Res. 649.

H.R. 5006 provides \$142.5 billion in new budget authority and \$141.1 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This funding level represents an increase of \$2.8 billion in BA and \$3.9 billion in outlays over last year. That is a 2 percent increase over FY 2004 levels. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs which provided the overall policy framework for this year's budget resolution.

H.R. 5006 complies with the budget act because the spending levels it contains do not exceed the subcommittee's 302(b) suballocation of new budget authority. Additionally, the bill is in compliance with requirements that it not exceed aggregate spending levels established in the budget resolution. Finally, the bill also complies with restrictions on advance appropriations.

Regarding this last point, the Budget Resolution for FY 2005 places a total limit for advance appropriations in FY 2006 at \$23.2 billion. The bill before us today will consume the vast majority of those funds, since it provides for \$19.275 billion in FY 2006 advance appropriations. All of the accounts for which advance appropriations are made in this bill are listed as eligible within the budget resolution. Since no advance appropriations have as yet been enacted, the bill does not cause a breach of this limit. However, the House should be aware that only \$4 billion will remain available for advance appropriations should this bill be enacted.

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs which Members care about while living within our means in an era requiring tougher fiscal discipline. The bill increases Department of Education funding by \$2 billion over last year, and includes a billion dollar increase for Special Education, bringing funding for IDEA to its highest level in history. This is over three times more funding than Special Education received in 1995, and this is an accomplishment that we in the Budget Committee have helped to bring about through past budget resolutions which assumed substantial increases for special education.

Additionally, the bill continues the commitment that the House has made to the National Institutes for Health, providing \$727 million more than last year. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be

able to find good jobs. This is a responsible bill which fulfills our commitments to the public while living within the constraints of difficult fiscal times.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 754, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 13, not voting 32, as follows:

[Roll No. 400]

YEAS—388

Abercrombie	Boyd	Cramer
Ackerman	Bradley (NH)	Crane
Aderholt	Brady (PA)	Crenshaw
Akin	Brady (TX)	Crowley
Alexander	Brown (SC)	Cubin
Allen	Brown, Corrine	Culberson
Andrews	Brown-Waite,	Cummings
Baca	Ginny	Cunningham
Bachus	Burgess	Davis (AL)
Baird	Burns	Davis (CA)
Baker	Burr	Davis (FL)
Baldwin	Burton (IN)	Davis (IL)
Barrett (SC)	Butterfield	Davis (TN)
Barton (TX)	Buyer	Davis, Jo Ann
Bass	Calvert	Davis, Tom
Beauprez	Camp	Deal (GA)
Becerra	Cantor	DeFazio
Bell	Capito	DeGette
Berkley	Capps	DeLauro
Berman	Capuano	DeLay
Berry	Cardin	DeMint
Biggert	Carson (IN)	Deutsch
Bilirakis	Carson (OK)	Diaz-Balart, M.
Bishop (GA)	Carter	Dicks
Bishop (NY)	Case	Dingell
Bishop (UT)	Castle	Doggett
Blackburn	Chabot	Dooley (CA)
Blumenauer	Chandler	Doolittle
Blunt	Chocola	Doyle
Boehlert	Clay	Dreier
Boehner	Clyburn	Duncan
Bonilla	Coble	Dunn
Bonner	Cole	Edwards
Bono	Collins	Ehlers
Boozman	Conyers	Emanuel
Boswell	Cooper	Emerson
Boucher	Costello	Engel

English Lampson  
 Eshoo Lantos  
 Etheridge Larsen (WA)  
 Evans Larson (CT)  
 Farr Latham  
 Fattah LaTourette  
 Feeney Leach  
 Ferguson Lee  
 Filner Levin  
 Foley Lewis (CA)  
 Forbes Lewis (GA)  
 Ford Lewis (KY)  
 Fossella Linder  
 Frank (MA) LoBiondo  
 Frelinghuysen Lofgren  
 Frost Lowey  
 Gallegly Lucas (KY)  
 Garrett (NJ) Lynch  
 Gerlach Majette  
 Gibbons Maloney  
 Gilchrest Manzullo  
 Gillmor Markey  
 Gingrey Marshall  
 Gonzalez Matheson  
 Goode Matsui  
 Goodlatte McCarthy (MO)  
 Gordon McCarthy (NY)  
 Goss McCollum  
 Granger McCotter  
 Graves McCreery  
 Green (TX) McDermott  
 Green (WI) McGovern  
 Grijalva McHugh  
 Gutierrez McIntyre  
 Gutknecht McKeon  
 Hall McNulty  
 Harman Meek (FL)  
 Harris Meeks (NY)  
 Hart Menendez  
 Hastings (FL) Mica  
 Hastings (WA) Michaud  
 Hayes Millender  
 Hayworth McDonald  
 Heger Miller (MI)  
 Herse Miller (NC)  
 Hill Miller, Gary  
 Hinchey Miller, George  
 Hinojosa Mollohan  
 Hobson Moore  
 Hoefel Moran (VA)  
 Hoekstra Murphy  
 Holden Murtha  
 Holt Musgrave  
 Honda Myrick  
 Hooley (OR) Nadler  
 Houghton Napolitano  
 Hoyer Neal (MA)  
 Hulshof Neugebauer  
 Hunter Ney  
 Hyde Northup  
 Inslee Norwood  
 Isakson Nunes  
 Israel Nussle  
 Issa Oberstar  
 Istook Obey  
 Jackson (IL) Olver  
 Jackson-Lee (TX) Ortiz  
 Osborne  
 Jefferson Ose  
 Jenkins Otter  
 John Owens  
 Johnson (CT) Oxley  
 Johnson (IL) Pallone  
 Johnson, E. B. Pascrell  
 Johnson, Sam Pastor  
 Jones (OH) Payne  
 Kaptur Pearce  
 Keller Pelosi  
 Kelly Pence  
 Kennedy (MN) Peterson (MN)  
 Kennedy (RI) Petri  
 Kildee Pickering  
 Kilpatrick Pitts  
 Kind Platts  
 King (IA) Pombo  
 King (NY) Pomeroy  
 Kingston Porter  
 Kirk Portman  
 Kleczka Price (NC)  
 Kline Pryce (OH)  
 Knollenberg Putnam  
 Kolbe Rahall  
 Kucinich Ramstad  
 LaHood Rangel

## NAYS—13

Bartlett (MD) Hefley  
 Flake Hensarling  
 Franks (AZ) Hostettler

Regula Miller (FL)  
 Rehberg Paul  
 Renzi  
 Reynolds  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppberger  
 Rush  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sanchez, Linda T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Turner (OH)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez  
 Vislosky  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (FL)

Miller (FL)  
 Paul  
 Rohrabacher  
 Royce  
 Tancredo  
 Wilson (NM)

## NOT VOTING—32

Ballenger  
 Brown (OH)  
 Cannon  
 Cardoza  
 Cox  
 Delahunt  
 Diaz-Balart, L.  
 Everett  
 Gephardt  
 Greenwood  
 Kanjorski  
 Langevin  
 Lipinski  
 Lucas (OK)  
 McInnis  
 Meehan  
 Moran (KS)  
 Nethercutt  
 Peterson (PA)  
 Quinn  
 Radanovich  
 Reyes  
 Ros-Lehtinen  
 Ryan (OH)  
 Schrock  
 Shuster  
 Tanner  
 Tauzin  
 Toomey  
 Towns  
 Turner (TX)  
 Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1844

So the bill was passed.  
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:  
 Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 440, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on Rollcall Vote No. 422 on agreeing to the motion to suspend the rules and pass H.R. 4381; "yea" on Rollcall Vote No. 423 on agreeing to the motion to suspend the rules and pass H.R. 4556; "yea" on Rollcall Vote No. 424 on ordering the previous question on H. Res. 754; "nay" on Rollcall Vote No. 425 on agreeing to the Jackson-Lee amendment to H.R. 5006; "nay" on Rollcall Vote No. 426 on agreeing to the Jackson-Lee amendment to H.R. 5006; "yea" on Rollcall Vote No. 427 on agreeing to the Sanders amendment to H.R. 5006; "nay" on Rollcall Vote No. 428 on agreeing to the Hefley amendment to H.R. 5006; "yea" on Rollcall Vote No. 429 on agreeing to the George Miller amendment to H.R. 5006; "yea" on Rollcall Vote No. 430 on the motion that the Committee rise; "yea" on Rollcall Vote No. 431 on agreeing to H. Res. 757; "nay" on Rollcall Vote 432 on the motion to instruct conferees; "yea" on Rollcall Vote No. 433 on the motion to suspend the rules and pass S. 2634; "yea" on Rollcall Vote No. 435 on agreeing to the Hayworth amendment to H.R. 5006; "yea" on Rollcall Vote No. 436 on agreeing to the Kildee amendment to H.R. 5006; "nay" on Rollcall Vote No. 437 on agreeing to the Stark amendment to H.R. 5006; "nay" on Rollcall Vote No. 438 on agreeing to the Paul amendment to H.R. 5006; "nay" on Rollcall Vote No. 439 on agreeing to the Hayworth amendment to H.R. 5006; and "yea" on Rollcall Vote No. 440 on passage of H.R. 5006.

## REPORT ON H.R. 5041, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. WALSH, from the Committee on Appropriations, submitted a privileged

report (Rept. No. 108-674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 762), and I ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 762

*Resolved*, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.  
 Committee on Transportation and Infrastructure: Mr. Alexander.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I understand the leader had to leave early to catch a plane. So for the purpose of inquiring of the chairman of the Committee on Rules the schedule for the coming week, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me say the House has completed its work for today and the week and will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday, we expect to consider additional legislation under suspension of the rules. We also plan to consider two bills under a rule: H.R. 5025, the fiscal year 2005 Transportation, Treasury, and independent agencies appropriations bill; and H.R. 4571, the Lawsuit Abuse Reduction Act.

In addition, Mr. Speaker, we will consider several other litigation reform bills: H.R. 3369, the Nonprofit Athletic