



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, TUESDAY, JULY 31, 2007

No. 124—Part II

## House of Representatives

□ 1630

### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

That is certainly going to be true for the children's health insurance bill, which really is a huge step in the direction of Washington-controlled bureaucratic health care.

So it is appropriate that we appreciate the nexus between this bill, the Agriculture appropriations bill, and that. One is the process was so flawed on the health care bill that we like to commend our colleagues on the other side of the aisle for bringing an appropriate process for appropriations bills. The other is that this is an attempt at fiscal responsibility, or at least a small step.

I think it is important to appreciate what the original intent of the health insurance bill that was passed 10 years ago was, because we will not likely get that opportunity when that time arises later this week.

The original attempt was to cover children who do not have health insurance between the level of income in their family from Medicaid to a low-income state, considered to be, in 1997, 200 percent of the poverty level. That is a noble purpose. It is a noble purpose to provide assistance for families who are unable to provide health insurance for their children.

That legislation expires at the end of September. So we have a lot of time in order to be able to have an appropriate discussion and talk about what the changes ought to be as we move towards reauthorization. All of us believe that those children at the lower end of the economic scale ought to be able to have access to the finest health insurance.

But the process, as my good friend from Tennessee mentioned, has been so

remarkably flawed that that likely isn't going to be the case. In fact, we were given a bill late last week that was almost a ream of paper, 450-odd pages, that frankly doesn't include all that the majority plans to put into it because they haven't figured out how they are going to pay for it.

But what they do know, they are going to cut Medicare to over \$100 billion. Over \$100 billion they are going to cut Medicare, which is why this bill is so important, because we have to figure out how we are going to pay for that. I know on this side of the aisle we are interested in being responsible in our spending and making certain we are able to cover programs.

On the other side of the aisle, Mr. Chairman, it appears their desire is to raise taxes in order to pay for programs. In this instance, though, they are going to do what they alleged 10 years ago they ought not do, and that is to cut Medicare, cut Medicare to a huge degree so that literally millions of seniors across this Nation will see their Medicare program cut.

In addition to that, there is a reported proposal on the other side that will increase taxes on every single American who has a health insurance policy. There will be a fee. They won't call it a tax; they will call it a fee to increase revenue to the Federal Government on every single American that has a health insurance policy.

Mr. Chairman, I don't know about you, but in my district, that is what we call a tax. In my district we don't believe that new programs ought to be put in place and charged with new taxes. We believe that the Federal Government ought to spend wisely.

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

MOTION TO RISE OFFERED BY MR. PRICE OF  
GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to a minimum of 5 minutes the time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

[Roll No. 775]

Abercrombie	Boswell	Conyers
Ackerman	Boucher	Cooper
Aderholt	Boustany	Costello
Akin	Boyd (FL)	Courtney
Alexander	Boyda (KS)	Cramer
Allen	Brady (PA)	Crenshaw
Altmire	Brady (TX)	Crowley
Andrews	Braley (IA)	Cubin
Arcuri	Brown (GA)	Cuellar
Baca	Brown (SC)	Cummings
Bachmann	Brown, Corrine	Davis (AL)
Bachus	Buchanan	Davis (CA)
Baird	Burgess	Davis (KY)
Baker	Burton (IN)	Davis, David
Baldwin	Butterfield	Davis, Lincoln
Barrett (SC)	Buyer	Davis, Tom
Barrow	Calvert	Deal (GA)
Bartlett (MD)	Cantor	DeFazio
Barton (TX)	Capito	DeGette
Bean	Capps	DeLauro
Becerra	Capuano	Dent
Berkley	Cardoza	Diaz-Balart, L.
Berman	Carnahan	Diaz-Balart, M.
Berry	Carney	Dicks
Biggert	Carson	Dingell
Bilbray	Carter	Doggett
Bilirakis	Castle	Donnelly
Bishop (GA)	Castor	Doyle
Bishop (NY)	Chabot	Drake
Bishop (UT)	Chandler	Dreier
Blackburn	Clay	Duncan
Blumenauer	Cleaver	Edwards
Boehner	Clyburn	Ehlers
Bonner	Coble	Ellison
Bordallo	Cohen	Ellsworth
Boren	Cole (OK)	Emanuel

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H9253

Engel	Latham	Renzi
Eshoo	LaTourette	Reyes
Etheridge	Lee	Rodriguez
Everett	Levin	Rogers (AL)
Faleomavaega	Lewis (CA)	Rogers (KY)
Fallin	Lewis (GA)	Rogers (MI)
Farr	Lewis (KY)	Ros-Lehtinen
Fattah	Linder	Roskam
Feeney	Lipinski	Ross
Ferguson	LoBiondo	Rothman
Filner	Loeb	Roybal-Allard
Flake	Lofgren, Zoe	Royce
Forbes	Lowey	Ruppersberger
Fortenberry	Lucas	Rush
Fox	Lungren, Daniel	Ryan (OH)
Franks (AZ)	E.	Ryan (WI)
Frelinghuysen	Lynch	Salazar
Gallegly	Mahoney (FL)	Sali
Garrett (NJ)	Maloney (NY)	Sánchez, Linda
Gerlach	Manzullo	T.
Giffords	Marchant	Sarbanes
Gilchrest	Markey	Saxton
Gillibrand	Marshall	Schakowsky
Gillmor	Matheson	Schiff
Gingrey	Matsui	Schmidt
Gonzalez	McCarthy (CA)	Schwartz
Goode	McCarthy (NY)	Scott (GA)
Goodlatte	McCaul (TX)	Scott (VA)
Gordon	McColum (MN)	Sensenbrenner
Granger	McCotter	Serrano
Graves	McDermott	Sessions
Green, Al	McGovern	Sestak
Green, Gene	McHenry	Shadegg
Grijalva	McIntyre	Shays
Gutierrez	McKeon	Shea-Porter
Hall (NY)	McMorris	Sherman
Hall (TX)	Rodgers	Shimkus
Hare	McNerney	Shuler
Harman	McNulty	Shuster
Hastert	Meek (FL)	Simpson
Hastings (FL)	Meeks (NY)	Sires
Hayes	Melancon	Skelton
Heller	Mica	Smith (NE)
Hensarling	Michaud	Smith (NJ)
Herger	Miller (FL)	Smith (TX)
Hereth Sandlin	Miller (MI)	Smith (WA)
Higgins	Miller (NC)	Snyder
Hill	Miller, Gary	Solis
Hinchey	Miller, George	Souder
Hirono	Mitchell	Space
Hobson	Mollohan	Spratt
Hodes	Moore (KS)	Stearns
Hoekstra	Moore (WI)	Stupak
Holden	Moran (KS)	Sutton
Holt	Moran (VA)	Tanner
Honda	Murphy (CT)	Tauscher
Hooley	Murphy, Patrick	Taylor
Hoyer	Murphy, Tim	Thompson (CA)
Hulshof	Murtha	Thompson (MS)
Hunter	Musgrave	Tiahrt
Inglis (SC)	Myrick	Tiberi
Inslee	Nadler	Tierney
Israel	Napolitano	Towns
Issa	Neal (MA)	Turner
Jackson (IL)	Neugebauer	Udall (NM)
Jindal	Norton	Upton
Johnson (GA)	Nunes	Van Hollen
Johnson (IL)	Oberstar	Velázquez
Johnson, E. B.	Obey	Visclosky
Jones (NC)	Oliver	Walberg
Jones (OH)	Ortiz	Walden (OR)
Jordan	Pallone	Walsh (NY)
Kagen	Pascrell	Walz (MN)
Kanjorski	Pastor	Wamp
Kaptur	Payne	Wasserman
Keller	Pearce	Schultz
Kennedy	Pence	Watson
Kildee	Perlmutter	Watt
Kilpatrick	Peterson (MN)	Weiner
Kind	Petri	Welch (VT)
King (IA)	Pickering	Weldon (FL)
King (NY)	Platts	Weller
Kingston	Poe	Westmoreland
Kirk	Pomeroy	Wexler
Klein (FL)	Porter	Wicker
Kline (MN)	Price (GA)	Wilson (NM)
Knollenberg	Price (NC)	Wilson (OH)
Kucinich	Pryce (OH)	Wilson (SC)
LaHood	Putnam	Wolf
Lamborn	Radanovich	Woolsey
Lampson	Rahall	Wu
Langevin	Rangel	Wynn
Lantos	Regula	Yarmuth
Larsen (WA)	Rehberg	Young (AK)
Larson (CT)	Reichert	Young (FL)

□ 1658

The CHAIRMAN. Three hundred eighty-nine Members recording their

presence by electronic device, a quorum is present, and the Committee will resume its business.

## RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 172, noes 231, not voting 34, as follows:

[Roll No. 776]

## AYES—172

Akin	Frelinghuysen	Neugebauer
Alexander	Garrett (NJ)	Nunes
Bachmann	Gerlach	Pearce
Bachus	Gilchrest	Pence
Baker	Gillmor	Petri
Barrett (SC)	Gingrey	Pickering
Bartlett (MD)	Goode	Platts
Barton (TX)	Goodlatte	Poe
Biggert	Granger	Porter
Bilbray	Graves	Price (GA)
Bilirakis	Hall (TX)	Pryce (OH)
Bishop (UT)	Hastert	Putnam
Blackburn	Hastings (WA)	Radanovich
Blunt	Hayes	Regula
Boehner	Heller	Rehberg
Bonner	Hensarling	Reichert
Boozman	Herger	Renzi
Boustany	Hobson	Reynolds
Brady (TX)	Hoekstra	Rogers (AL)
Broun (GA)	Hulshof	Rogers (KY)
Brown (SC)	Inglis (SC)	Rogers (MI)
Buchanan	Issa	Rohrabacher
Burgess	Johnson (IL)	Ros-Lehtinen
Burton (IN)	Jones (NC)	Roskam
Buyer	Jordan	Ryan (WI)
Camp (MI)	Keller	Sali
Campbell (CA)	King (IA)	Saxton
Cantor	King (NY)	Schmidt
Capito	Kirk	Sensenbrenner
Carter	Kline (MN)	Sessions
Castle	Knollenberg	Shadegg
Chabot	Kuhl (NY)	Shays
Coble	LaHood	Shimkus
Cole (OK)	Lamborn	Shuster
Conaway	LaTourette	Simpson
Crenshaw	Lewis (KY)	Smith (NE)
Cubin	Linder	Smith (TX)
Culberson	Lucas	Souder
Davis (KY)	Lungren, Daniel	Stearns
Davis, David	E.	Sullivan
Davis, Tom	Manzullo	Terry
Deal (GA)	Marchant	Thornberry
Dent	McCarthy (CA)	Tiahrt
Diaz-Balart, L.	McCaul (TX)	Tiberi
Diaz-Balart, M.	McCotter	Turner
Doolittle	McCrery	Upton
Drake	McHenry	Walberg
Dreier	McKeon	Walden (OR)
Duncan	McMorris	Walsh (NY)
Ehlers	Rodgers	Wamp
Emerson	Mica	Weldon (FL)
Fallin	Miller (FL)	Weller
Feeney	Miller (MI)	Westmoreland
Flake	Miller, Gary	Wilson (NM)
Forbes	Mitchell	Wilson (SC)
Fortenberry	Murphy, Tim	Wolf
Fox	Musgrave	Young (AK)
Franks (AZ)	Myrick	Young (FL)

## NOES—231

Abercrombie	Boucher	Cooper
Ackerman	Boyd (FL)	Costa
Allen	Boyda (KS)	Costello
Altmiere	Brady (PA)	Courtney
Andrews	Braley (IA)	Cramer
Arcuri	Brown, Corrine	Crowley
Baca	Butterfield	Cuellar
Baldwin	Calvert	Cummings
Barrow	Capps	Davis (AL)
Bean	Capuano	Davis (CA)
Becerra	Cardoza	Davis, Lincoln
Berkley	Carnahan	DeFazio
Berman	Carney	DeGette
Berry	Castor	DeLauro
Bishop (GA)	Chandler	Dicks
Bishop (NY)	Clay	Dingell
Blumenauer	Cleaver	Doggett
Bordallo	Clyburn	Donnelly
Boren	Cohen	Doyle
Boswell	Conyers	Edwards

Ellison	Larsen (WA)	Ross
Ellsworth	Larson (CT)	Rothman
Emanuel	Latham	Roybal-Allard
Engel	Lee	Ruppersberger
Eshoo	Levin	Rush
Etheridge	Lewis (CA)	Ryan (OH)
Everett	Lewis (GA)	Salazar
Faleomavaega	Lipinski	Sánchez, Linda
Farr	LoBiondo	T.
Fattah	Loeb	Sarbanes
Ferguson	Lofgren, Zoe	Schakowsky
Filner	Lowey	Schiff
Frank (MA)	Lynch	Schwartz
Gallegly	Mahoney (FL)	Scott (GA)
Giffords	Maloney (NY)	Scott (VA)
Gillibrand	Markey	Serrano
Gonzalez	Marshall	Sestak
Gordon	Matheson	Shea-Porter
Green, Al	Matsui	Sherman
Green, Gene	McCarthy (NY)	Shuler
Grijalva	McColum (MN)	Sires
Gutierrez	McDermott	Skelton
Hall (NY)	McGovern	Slaughter
Hall (TX)	McIntyre	Smith (NJ)
Hare	McNerney	Smith (WA)
Harman	McNulty	Snyder
Hastings (FL)	Meek (FL)	Solis
Hereth Sandlin	Meeks (NY)	Space
Higgins	Melancon	Spratt
Hill	Michaud	Stark
Hinchey	Miller (NC)	Stupak
Hirono	Miller, George	Sutton
Hodes	Mollohan	Tanner
Holden	Moore (KS)	Tauscher
Holt	Moore (WI)	Taylor
Honda	Moran (KS)	Thompson (CA)
Hooley	Moran (VA)	Thompson (MS)
Hoyer	Murphy (CT)	Towns
Hunter	Murtha	Udall (NM)
Israel	Nadler	Van Hollen
Jackson (IL)	Napolitano	Velázquez
Jindal	Neal (MA)	Visclosky
Johnson (GA)	Norton	Walz (MN)
Johnson, E. B.	Oberstar	Wasserman
Jones (OH)	Obey	Schultz
Kagen	Oliver	Waters
Kanjorski	Ortiz	Watson
Kaptur	Pallone	Watt
Keller	Pascrell	Waxman
Kennedy	Pastor	Weiner
Kildee	Payne	Welch (VT)
Kilpatrick	Perlmutter	Wexler
Kind	Peterson (MN)	Wilson (OH)
King (IA)	Pomeroy	Woolsey
King (NY)	Price (NC)	Wu
Kingston	Rahall	Wynn
Kirk	Reyes	Yarmuth
Klein (FL)	Rodriguez	

## NOT VOTING—34

Aderholt	English (PA)	Paul
Baird	Fortuño	Peterson (PA)
Bono	Fossella	Pitts
Brown-Waite,	Gohmert	Ramstad
Ginny	Inslee	Rangel
Cannon	Jackson-Lee	Royce
Carson	(TX)	Sanchez, Loretta
Christensen	Jefferson	Tancred
Clarke	Johnson, Sam	Tierney
Davis (IL)	Mack	Udall (CO)
Davis, Jo Ann	McHugh	Whitfield
Delahunt	Murphy, Patrick	Wicker

## PARLIAMENTARY INQUIRY

Mr. LINDER (during the vote). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LINDER. Is this a 5-minute vote that occurred because of a unanimous consent request?

The CHAIRMAN. The gentleman will restate his parliamentary inquiry.

Mr. LINDER. First of all, is this a 5-minute vote?

The CHAIRMAN. The gentleman is correct.

Mr. LINDER. Is it the result of a unanimous consent request?

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this is a 5-minute vote.

Mr. LINDER. It is my understanding that any intervening business requires a 15-minute vote on the following vote under the rules of the House, and there was intervening business.

The CHAIRMAN. The Chair will repeat that pursuant to clause 6(b)(3) of rule XVIII, this is a 5-minute vote.

Voting will proceed.

□ 1708

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, in 1997, a Republican-led Congress passed the State Children's Health Insurance Program, SCHIP, a program that combines the best of public and private approaches to delivering vital health care coverage to low-income children across the country.

Today this program provides coverage to 6.6 million children and has lowered the insurance rate by nearly 25 percent. Unfortunately, our colleagues on the other side of the aisle decided not to include us in crafting the reauthorization of SCHIP. In addition, it included many other provisions affecting Medicare, without any input from the minority.

The legislation put forth by the Democrats has many problems, and I have serious reservations on how they propose to fund this legislation. Specifically, there are proposed funding streams in the bill passed out of the Ways and Means Committee that seek to take money out of end-stage renal disease programs by establishing policies that are shortsighted and ill-advised.

As currently structured, this proposal takes funding from among the sickest patients in the Medicare program, those who have end-stage renal disease, and reallocates it to a massive SCHIP expansion. As a member of the Energy and Commerce Committee, I was pleased to learn that Chairman DINGELL was prepared to offer an amended version of the CHAMP Act that did not include any end-stage renal disease cuts, and, as indicated by CBO score sheets of Chairman DINGELL's amendment, that do not include entries for any end-stage renal disease provisions.

It was unfortunate that the bill was discharged from the Energy and Commerce before amendments could be offered to strike these cuts, but I wholeheartedly agree that we should not be making cuts to end-stage renal disease, which treats some of the sickest patients in Medicare, to fund SCHIP expansion.

As the CHAMP Act currently stands, my concerns with end-stage renal disease are twofold. First, the bill proposes to disrupt the market-based average sales price reimbursement system

that Congress worked hard to pass in the Medicare Modernization Act. This average sales price payment system was first implemented in the physician setting in 2005 and the end-stage renal disease setting for all drugs in 2006.

This system has been a great success across the board, and moving to reimbursement rates of ASP plus 6 percent has demonstrated significant savings. In fact, the Office of Inspector General estimated annual savings of \$1 billion because of the shift from the old average wholesale price system to the ASP system in 2005.

Starting in 2006, the average sales price system includes drugs used to treat anemia in end-stage renal disease patients, as well as all other end-stage renal disease drugs. MedPACs have noted a decline in end-stage renal disease drug spending since the implementation of the average sales price, and when looking at erythropoietin stimulant agents, which are biologics used to treat anemia in end-stage renal disease, specifically it is clear that the ASP has resulted in a reduction in the price of Medicare, which had previously paid for these biologics going from \$10 under a statutory rate in 1994 to 2004.

#### POINT OF ORDER

Mr. BISHOP of Georgia. Mr. Chairman, a point of order.

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

Mr. BISHOP of Georgia. Isn't it true that the gentleman in the well should be addressing the underlying bill, and it's a violation of the rules if the remarks in the well do not address the underlying bill?

The CHAIRMAN. The gentleman is correct. The gentleman speaking who has the time must confine his remarks to the pending question.

#### PARLIAMENTARY INQUIRY

Mr. SHIMKUS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHIMKUS. If there are cuts in one bill based upon increased spending in another, is that financial connection enough to continue to proceed?

The CHAIRMAN. The gentleman must maintain an ongoing nexus between the pending question and any broader policy issues.

The gentleman may proceed.

Mr. SHIMKUS. Starting in 2006, the average sales price system included drugs used to treat anemia and end-stage renal disease patients as well as other end-stage renal disease drugs.

Additionally, there are provisions in the bill that propose to institute a statutory price control rate. It would be a mistake to change a system that has reduced prices for this medicine by 6.8 percent since the average sales price-based reimbursement system was implemented in January of 2006; 9 percent compared to what Medicare paid for the drug back in 1994 under a statutory price control rate.

This market-based system is working to drive down prices for Medicare in

Congress, and Congress shouldn't try to fix something that's not broken. Most importantly, I also question how a cut in payment would affect patient care. A payment cut may create financial incentives to reduce or ration clinically beneficial drugs.

Dialysis providers may reduce their costs by providing fewer services and drugs, transferring patients to another setting of care, or discharging patients more quickly.

Mr. Chairman, in 1997 a Republican-led Congress passed the State Children's Health Insurance Program (SCHIP)—a program that combines the best of public and private approaches to delivering vital health coverage to low-income children across this country.

Today this program provides coverage to 6.6 million children and has lowered the uninsured rate by nearly 25 percent.

Unfortunately, our colleagues on the other side of the aisle decided not to include us in crafting the reauthorization of SCHIP and in addition, included many other provisions affecting Medicare without any input from the minority.

The legislation put forth by the Democrats has many problems, and I have serious reservations on how they propose to fund this legislation.

Specifically, there are proposed funding streams in the bill passed out of the Ways and Means Committee that seeks to take money out of the End Stage Renal Disease (ESRD) program by establishing policies that are shortsighted and ill-advised.

As currently structured, this proposal takes funding from among the sickest patients in the Medicare program, those that have ESRD, and reallocates it to a massive SCHIP expansion.

As a member of the Energy & Commerce Committee, I was pleased to learn that Chairman DINGELL was prepared to offer an amended version of the CHAMP Act that did not include any ESRD cuts as indicated by CBO score sheets of Chairman DINGELL's amendment that do not include entries for any ESRD provisions.

It was unfortunate that the bill was discharged from Energy and Commerce before amendments could be offered to strike these ESRD cuts, but I wholeheartedly agree that we should not be making cuts to the ESRD, which treats some of the sickest patients in Medicare, to fund SCHIP expansion.

As the CHAMP Act currently stands, my concerns with the ESRD provisions are twofold.

First, the bill proposes to disrupt the market based Average Sales Price (ASP) reimbursement system that Congress worked hard to pass in the Medicare Modernization Act (MMA).

This ASP payment system was first implemented in the physician setting in 2005, and the ESRD setting for all drugs in 2006.

This system has been a great success across the board and moving to reimbursement rates at ASP+6 percent has demonstrated significant savings.

In fact, the Office of the Inspector General estimated annual savings of \$1 billion because of the shift from the old Average Wholesale Price (AWP) system to the ASP system in 2005.

Starting in 2006, the ASP system included drugs used to treat anemia in ESRD patients, as well as all other ESRD drugs.

MedPAC has noted a decline in ESRD drug spending since the implementation of ASP and when looking at Erythropoietin Stimulating Agents (ESAs), which are biologics used to treat anemia, in ESRD specifically, it is clear that ASP has resulted in a reduction in the price Medicare had previously paid for these biologics—going from \$10 under a statutory rate from 1994–2004 to \$9.10 today for one of these ESAs—EPOGEN. This is a 9 percent drop which represents real savings.

Additionally, there are provisions in the bill that propose to institute a statutory price controlled rate that would distort the market and ASP system by establishing a cap which restricts Medicare payment at a statutory rate of \$8.75 or ASP+2 percent, whichever is less.

It would be a mistake to change a system that has reduced prices for this medicine by 6.8 percent since the ASP-based reimbursement system was implemented in January 2006 and by 9 percent compared to what Medicare paid for the drug back in 1994 under a statutory price controlled rate.

This market-based system is working now to drive down prices for Medicare and Congress shouldn't try to fix something if it's not broken.

Most importantly, I also question how a cut in payment would affect I patient care. A payment cut may create financial incentives to reduce or ration clinically beneficial drugs.

Dialysis providers may reduce their costs by providing fewer services and drugs, transferring patients to another setting of care, or discharging patients more quickly.

So when we are looking for ways to save money, a reduction in reimbursement levels could actually result in unintended consequences, such as increasing the number of ESRD patients who are hospitalized.

Published studies show that patients who are under dialyzed or who are suffering from anemia are more likely to be hospitalized.

Increases in hospitalization due to dialysis payment changes could end up being very costly to Medicare and taxpayers.

This is just bad policy rationale.

I am also concerned with a provision that would move to a fully bundled dialysis composite rate—that is bundling drugs and other separately billable services into a composite rate—for large dialysis providers beginning in 2010, and for all other dialysis providers by 2013.

Since passage of the MMA in 2003, CMS has tried to design and test a fully bundled payment system and has been unsuccessful.

I believe that CMS must be given more time to study this issue and complete the bundling demonstration authorized in the MMA that it has been working to implement to ensure that all of the complex factors that go into a bundled payment are accounted for and that patient care and access are not harmed under a bundled payment system.

Again, bundling may create financial incentives to reduce or ration care resulting in worse health outcomes.

An insufficient Medicare payment could cause facilities to close their doors or result in poor patient outcomes.

This underscores the need to test a bundled payment through a demonstration first before implementing.

Congress and CMS should be fully informed on how to protect patient access and quality before implementing bundling system-wide.

Although I am committed to the reauthorization of SCHIP I cannot support these types of cuts to Medicare.

I urge my colleagues to join me in opposing the Democrats' SCHIP expansion in its current form.

□ 1715

#### POINT OF ORDER

Mr. WEINER. Mr. Chairman, I rise to renew the point of order of the previous point of order.

The CHAIRMAN. Is the gentleman stating a point of order that the gentleman is not confining his remarks to the pending question?

Mr. WEINER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is correct. The gentleman controlling the time must confine his remarks to the pending question. There must be an ongoing nexus between the pending question and any broader policy issues addressed by the gentleman controlling the time.

Mr. WEINER. Mr. Chairman, a point of parliamentary inquiry.

Mr. PRICE of Georgia. Does the gentleman yield?

The CHAIRMAN. The gentleman will suspend. The gentleman from Illinois controls the time.

Mr. SHIMKUS. If the gentleman from Illinois controls the time, I yield to my colleague from Georgia.

Mr. PRICE of Georgia. I appreciate my friend yielding.

Isn't it true that the reason you are concerned about this bill is because of the amount of spending in this bill puts in jeopardy health care for our seniors?

Mr. SHIMKUS. Especially in this debate, the end stage renal disease aspect; and that is the nexus.

#### PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, point of parliamentary inquiry.

The CHAIRMAN. The gentleman's time has expired.

Does the gentleman seek to make a parliamentary inquiry?

Mr. WEINER. Mr. Chairman, just for future reference. Under the rules, Members who fail to oblige and follow rulings of the order of the Chair, what is the sanction against them if they fail to do so?

The CHAIRMAN. The gentleman who controlled the time did properly confine his remarks.

Mr. WEINER. Thank you, Mr. Chairman.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, the underlying amendment of the Agriculture appropriations bill, the amendment that is on the floor, strikes \$50,050 from the Office of the Secretary of Agriculture, \$50,050. We have now on this side accepted the amendment. The other side has used over 1 hour of procedural delay, which essentially has spent that \$50,000 on the operation of the Capitol with no savings to the taxpayer; and I think that these people who get up and talk about fiscal responsibility ought to learn a little bit of oratorical responsibility.

I yield back the balance of my time. Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. I yield my time to Mr. OBEY.

Mr. OBEY. Mr. Chairman, as the gentleman from California pointed out, we have now probably expended in terms of salaries for the clerks, the cost of air conditioning for the Chamber, the cost of lights for the Chamber, we have probably now expended more money than would be saved by this \$50,000 amendment; and so what I think this amendment is about is something very different than in fact we are hearing from our friends.

What I think this is about is that, last year, if you take a look at the appropriation bills that have been considered so far this year, last year, approximately 86 hours were spent debating those bills. This year, we have had about 152 hours expended debating the same bills. Why is that?

Last year, there were 144 amendments offered by those on this side of the aisle then in the minority. This year, the now minority has offered 339 amendments. So it is obvious to me what is going on.

I don't think this debate is at all about either fiscal responsibility or the fact that the amendment purports to save \$50,000. This is simply a device which allows the sponsors and the supporters to tie up the time of the House and eventually deny this House the ability to get its work done before it leaves for the August recess. That is what this is about. And all of the rhetoric to the contrary notwithstanding, I think every Member of the House knows that is what it is about.

From the beginning, it has been apparent that there are a small number of Members on the other side of the aisle who would prefer to engage in filibuster by amendment, no matter what that means in terms of the quality of the debate, no matter what that means in terms of the inconvenience to Members, and no matter what that means in terms of the ability of this House to finish its business in a timely fashion.

So let me simply say we will hear a lot of rhetoric tonight about fiscal responsibility. Keep in mind what the real debate is, and we will give all of that rhetoric the attention that it deserves, which is very little.

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

AMENDMENT OFFERED BY MR. MCHENRY TO THE AMENDMENT OFFERED BY MR. GINGREY

Mr. MCHENRY. Mr. Chairman, I offer a second-degree amendment.

The Clerk read as follows:

Amendment offered by Mr. MCHENRY to the amendment offered by Mr. GINGREY: Strike "\$50,500" and insert "\$100,100".

Mr. MCHENRY. Mr. Chairman, my amendment is pretty simple. As the previous speaker said, the debate that we have had ongoing here on the House

floor may cost taxpayer dollars. If we are going to have a debate about cutting spending, I am going to offer a second-degree to make sure the spending is a greater number to save the taxpayers more money so we can continue to have this debate.

I appreciate the applause from one Member on the other side of the aisle. Two Members. So we have two members of the Democrat Caucus who wish to cut spending. Thank you both. Mr. Chairman, I want to thank them both.

At this point, I yield to my colleague, the ranking member of the Budget Committee, Mr. RYAN from Wisconsin.

Mr. RYAN of Wisconsin. I appreciate the applause.

Mr. Chairman, I think it is important that we do everything we can to save money in light of the fact that we are creating a massive new entitlement program later this week with this bill that is coming to the floor. I think it is important that we show leadership at every facet of the Federal government. That is why this amendment, which now I believe saves \$100,000 from the USDA Administrative Account Budget, is worth supporting, simply because of the fact that the new SCHIP bill opens a whole new open-ended entitlement.

In the past, SCHIP has always been a program that was capped, that had an authorization. Now we have a program that has no income limits, that requires people to actually self-certify. If they say they are eligible, they are eligible. Anybody can get it. Warren Buffett's child could get SCHIP.

More important to the fact is this, Mr. Chairman. The reason that it is important to save \$100,000 from the USDA budget is it is going to cost a lot of money when this SCHIP bill passes and it pushes people out of private health insurance onto government health insurance. That is precisely what this will do.

Eighty-nine percent of the children in families with incomes between 300 percent and 400 percent of poverty and 95 percent of families above 400 percent of poverty have private health insurance. What this bill will do is push those children out of the private health insurance that their parents and their employers are paying for and make taxpayers pay for that health insurance. This is an enormous, enormous expansion of our government program, which takes choice away from patients on health insurance and makes them take this government one-size-fits-all, bureaucratic-driven health care. And that is why we need to support removing \$100,000 from the administrative budget from the USDA, because we have a long ways to go to save the money to pay for this bill.

This bill, as it left the Ways and Means Committee, was \$76 billion over the budget in that it violated the majority's PAYGO by \$76 billion. The bill that was brought to the Energy and Commerce Committee that wasn't re-

ported out was \$91 billion PAYGO non-compliant.

Why is this, Mr. Chairman? Well, another reason why I think we need to save money by cutting \$100,000 from the USDA's administrative budget is that they cut Medicare. Not just a little bit, but deeply. They raid the Medicare trust fund, and they cut and eviscerate the Medicare Advantage program.

Mr. Chairman, I bet every one of us has done a town hall meeting whereby we have heard constituents when we are talking about Medicare say: You know what? You people in Congress ought to give us the same health insurance that you have.

Mr. Chairman, that is exactly what Medicare Advantage is. Just like we as Members of Congress have, just like we in the Federal employment health benefit, we have the ability to choose among providers who are competing against each other for our benefit. We get to choose among providers. We have choice. That is exactly what we are giving to Medicare beneficiaries with the Medicare Advantage program.

These plans compete against each other for the beneficiary's business, and each Medicare beneficiary gets to choose traditional Medicare or Medicare Advantage plan, and that active choice has driven down prices and has driven up quality and customer satisfaction.

The bill coming to the floor this week will cut 3 million people off the Medicare Advantage program. It will say to all those people who chose to have this plan that gives them comprehensive Medicare coverage: No, you have to have the one-size-fits-all government monopoly plan. You can't have this choice that looks like what Members of Congress have.

That is why we need to cut \$100,000 from the USDA budget, because all these deep Medicare cuts to pay for a massive expansion of a new entitlement program at a time when all these other programs are going bankrupt is a step in the wrong direction. That is why I urge adoption the gentleman's second-degree amendment, and I thank him for yielding me time.

Mr. MCHENRY. Reclaiming my time. I think it is also important to note that the SCHIP bill the gentleman speaks of raises taxes on tobacco, raises taxes on all health care plans in American, and I think important for us to talk about that later on this week.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I would just like to say what I stated earlier: That in fact what we did in the subcommittee is to cut the central office at the Agriculture Department by 16 percent. If that is not good enough for you, I accept this amendment. You have an opportunity to withdraw it, if you would like, but I am happy to accept it. Or

you can sit and you can stand and you can continue just running your mouth here on the issue of the amendment. I have accepted it the second time around.

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Chairman, a little while earlier when my amendment was introduced to cut the Office of the Secretary of Agriculture by 1 percent, \$50,000, the distinguished chairman of the Appropriations Committee stood up and said, well, that is nothing. That is just pocket change, and it is a dilatory motion. It is meaningless. It is so insignificant in the big scope of things when we are talking about an \$18 billion discretionary spending bill on the Agriculture appropriations bill that we are dealing with.

Well, I thank now my colleague from North Carolina for doubling that 1 percent cut to a 2 percent cut. So now I say to my colleagues on the other side of the aisle, we are not talking about \$50,000, we are talking about \$100,000. And the chairman of the overall committee, Mr. OBEY, is absolutely right. It is a small amount. But he is also right. I have several other amendments. He might call those pocket change as well and dilatory amendments. But the first thing you know when you add those up, Mr. Chairman, you are going to get to over \$1 million.

Now, on the floor of the House in this body inside the Beltway that may not be much money, but to the folks back in the 11th District of Georgia that I represent it becomes some significant money.

But, again, the chairman is right. We are trying to make a point here. And I hope not just our colleagues in the Chamber are listening, and I know they are, but I hope the American people are listening as well. Because we do want to make a point, and that is what we are doing with Mr. MCHENRY's amendment to double the cut to 2 percent on this small section, that is what we are doing in my base amendment with the 1 percent cut. We are saying, look, if you want to bring forth a bill, as you intend to do later this week, the so-called CHAMP Act, to massively increase spending that violates your own new PAYGO rules by \$70 billion, as the ranking member of the Budget Committee just pointed out; then if you want to find the money to have these massive expansions, then you need to look at every other spending bill and set your priorities straight.

□ 1730

And let's say we're going to cut the money instead of doing it on the backs of our seniors. And that's why I say, you need a new acronym for this bill. It's not the CHAMP Act, Children's Health and Medicare Protection Act. No, it's the CHUMP Act, Children's Health Unfunds Medicare Protection,



and for our neediest seniors. And that's why we're here; absolutely, that's why we're here. We don't want you to do that. We don't want you to hurt the seniors, the 3.5 million, a part of the 8 million that get their Medicare through that Advantage option, because most of those seniors, Mr. Chairman, most of those seniors are our poorest seniors. They're in that category of income from \$10,000 to \$20,000. And those are the people who you are pushing off the Medicare program of choice, their program of choice.

So anywhere we can find cuts, this amendment, the second-degree amendment, further amendments that we're going to offer, that's what we ought to do if we're going to have this massive increase in spending, which our side of the aisle feels like we should not do.

Now, we could go home in August, Mr. Chairman, and say, on Thursday or Friday of this last week that we were in session, before the long break, the Democrats have destroyed Medicare for 3.5 million low-income seniors, and they've said they've done it in the interest of providing health care for children. But which children are we talking about?

In their bill that's coming to the floor, with a closed rule, that we won't have an opportunity to amend, they want to cover children up to 400, maybe even more, the sky is the limit, 400 percent of the Federal poverty level, \$82,000 a year for a family of four or maybe it's 500 percent or 600 percent. So what happens? Ninety percent of these children already have private health insurance. And so that's why we're here, and I support the second-degree amendment of the gentleman from North Carolina.

Mr. GARRETT of New Jersey. I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I too join in supporting this amendment, and the gentleman from North Carolina for doing it, for saving so much money for the American taxpayer.

Just prior to this we heard the chairman from the other side of the aisle, in essence, asking us in some ways to trample on our free speech rights in this House. And you know, when you do that, when you ask that we not speak on important issues here in this House for hours, for a period of time, and the other side of the aisle always points out that we're spending more time this year than we did in the past years trying to debate these issues. And I think the American public, quite honestly appreciates that, whether it's 86 hours or 186 hours. I think the American public looks to Congress to make sure that we spend their money appropriately, and looks for us to debate those issues appropriately as well.

We, each Member of Congress, as we stand here, represents a little over 600,000 individuals, men, women and children, across this country in our re-

spective districts. When we come to this floor and speak on this floor, we are representing their voices. We bring their voices from New Jersey to this floor.

And so when the other side of the aisle says, oh, you go on too long over there in the minority, well they're saying that really to my constituents. They are complaining that my constituents' voice should be silenced. And I come to the floor right now and say, no, sir, my constituents voices will not be silenced. I will speak out when I can, where I can on behalf of the constituents of the Fifth District and the State of New Jersey as well.

Now, I know that we're looking at a bill here with \$18.6 billion. Right now we're looking at an amendment for \$100,000. To us, and my constituents, that's a lot of money. And if it takes us an hour or two hours to debate this one amendment, to get consensus to save \$100,000, well, that's a lot of money to my constituents, and they would say that hour or two hours of debate is well worth it.

Now, maybe the other side of the aisle will disagree with me. Maybe the other side of the aisle doesn't care whether we spend 50,000, 100,000 of our hard-earned tax dollars. And maybe they will accept the amendment as they did in the past, and if they do so, the \$100,000 amendment, we appreciate that.

But you know, in that regard, this really is a bipartisan effort then. It is really two parties coming together to solve a problem. The one party, the majority party, comes to this floor, raises our taxes, increases our spending.

The minority party, the Republicans, equally come to the floor, and we reach out our hand and work together. While the Democrats raise our taxes and raise the spending, we reach out a hand and say how about trying to bring that spending down just a little bit by \$100,000, and by bipartisan effort we're able to get that down. So this is a bipartisan day, and I hope that we will see other amendments to increase that bipartisanship as well, as we try to rein in the spending that the other side has brought us.

And when we talk about what the other side has brought us, and one of the reasons why we need to save this \$100,000, just think of what we've gone through in the last few months already and just recently in the last couple weeks. We have seen taxpayers on the American taxpayers go up by over \$400 billion in one of the first bills that House passed under the majority party of their budget.

We have seen just recently them raising taxes again through the farm bill. And now with this underlying bill that we'll be looking at in a little bit on the SCHIP bill, another \$60 billion in taxes.

And let me add just one more tax increase that maybe Members of both sides of the aisle may be forgetting about. Just a few hours ago, as I look

at the clock, I came out of Financial Services Committee, where we, or the majority party, added the last piece to the puzzle with regard to another tax increase on the American public, and that's the MTI. That's the mortgage tax increase. That's a tax increase on every family in America who needs to go out and get a mortgage to buy their first home or their second or an additional home as they move into it.

Every family in America who will want to get out a mortgage in the future will now have to pay an MTI, a mortgage tax increase, thanks to the majority party in the legislation that is just finally put in place. So whether it is an increase in the budget taxes or the farm bill or the SCHIP or now an MTI as far as a tax increase as well, we're working with the other side of the aisle. As they raise taxes on the American family, we work with them here and there, to bring down the spending to a level that our taxpayers in our districts are able to abide by.

I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words in support of the McHenry amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I want to rise in support of the McHenry amendment. And I want to compliment the subcommittee chairwoman, Ms. DELAURO, for her openness and bipartisanship in preparing the ag appropriation bill and working with Ranking Member KINGSTON.

I asked Mr. KINGSTON, I said, have y'all held hearings on the bill? He said, yes, we held lots of hearings. I said, did you prepare a draft that was circulated in a timely fashion? He said, yes, we prepared a draft, circulated in a timely fashion. I said, was there an open markup where Members could offer amendments on both sides of the aisle? And he said, yes, there was an open markup. So I want to compliment you.

Now, I want to contrast that to the SCHIP bill. We've had one hearing in the Energy and Commerce Committee in which SCHIP was the focus of Mr. PALLONE's subcommittee. The bill came over the transom last Tuesday night at 11:36 p.m. The markup was scheduled, I believe, at 10 a.m. the next morning. Chairman DINGELL did delay that until 4 o'clock the next afternoon, and then again delayed the actual markup after opening statements a little bit further.

We didn't have any witnesses testify. We didn't have any open process. We didn't have a circulation of a draft. We got a 465-page bill at 11:36 last Tuesday evening. So that's, I mean, I'm in awe of Ms. DELAURO and the way she's operated her subcommittee, and Mr. OBEY and the way he's operating the full appropriations committee, actually using the process. We're not doing that in the Energy and Commerce Committee or the Ways and Means Committee on the SCHIP bill.

Now, I'm told, I don't know this for a fact.

Mr. OBEY. Will the gentleman yield? Mr. BARTON of Texas. Sure, I'll yield.

Mr. OBEY. The gentleman has complimented me for the way we have handled appropriations bills.

Mr. BARTON of Texas. And that's a sincere compliment.

Mr. OBEY. I appreciate the compliment. But let me suggest that I would appreciate it, if we have conducted ourselves the way the gentleman thinks we should, then I would appreciate that he would not visit his frustrations on other legislation on the appropriations process when we have produced bills in what you readily admit is the correct fashion. If you have an argument in your own bailiwick, it would be nice if you kept it there so that the House might get its work done.

Mr. BARTON of Texas. I appreciate that gentleman's comment. But my response to the distinguished chairman of the full Appropriations Committee is, you've got to pick up your buckets where you stand. And this is our only forum.

I'm told that the Rules Committee is going to meet at midnight or 1 a.m. this morning to consider a same-day rule for SCHIP. Now, keep in mind, last Tuesday night at 11:36 p.m., after the House is through with its last vote of the day, we get a 465-page SCHIP bill that hasn't had any hearings on it, that hasn't had any witnesses on, that hasn't had a draft circulated. And now the Rules Committee is going to meet at midnight allegedly, or 1 o'clock this morning, to consider a same-day rule to consider that bill tomorrow.

So I respect Mr. OBEY and I respect Subcommittee Chairman DELAURO for doing the process the right way. But our only recourse, unfortunately, under the rules is to come out on this floor under the open rule to strike the requisite number of words to speak on the ag appropriation bill and then talk about the travesty that may be hoisted on the American public tomorrow in which a \$227 billion cut in Medicare over the next 10 years is going to be voted on, with not one witness testifying in favor or opposition, not one draft that's been circulated, not any process at all.

So I support the McHenry amendment, and I also support an open process on the largest health care issue that's going to be before this Congress this year.

We should not have the Rules Committee vote tonight at midnight to bring a same-day rule. We ought to send the SCHIP bills back to the committee, have a normal process, and then bring them to the floor later this fall where we could have an open debate in the full House.

Mr. Chairman, I yield back.

Mr. CULBERSON. I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I also rise in support of Mr. MCHENRY's amendment, but I also want to thank my ranking member, the subcommittee chairman here. I serve on the Appropriations Committee, and Chairman OBEY is correct: the committee has done a good job of making sure we had bills in front of us and opportunity for debate.

But I also want to reiterate Mr. BARTON's point. He is absolutely right. The reason we're out here today and having this discussion is because we, each one of us, as Members of Congress have really a fiduciary, very deep and profound fiduciary responsibility to be good stewards of the taxpayers' dollars. And we're here debating an appropriations bill on how to spend those tax dollars. And the Agriculture Department has, an important part of its role is the taking, they have a role directly, for example, in the Texas Medical Center. And the nexus to this debate, Mr. Chairman, that I would certainly point out is, under this bill, the Department of Agriculture, for example, helps maintain the children's nutrition program at the Baylor College of Medicine, which I'm proud to represent.

The Agriculture Department, a key part of their responsibility is children's health. And it is highly relevant to talk about this Children's Health Insurance Program that the Democrat majority is attempting to shove through this Congress with very little debate, very little sunlight, which is always a dangerous sign. If they won't let you read the bill and they won't let you talk about it, it is sure going to contain serious problems. And I for one am deeply concerned about the tremendous expansion this bill proposes. The bill will, it is clear from what we have seen, take seniors off of Medicare and allow States to put illegal aliens on Medicare. The bill has no reasonable limits. The bill has no enforceable limits on age. The bill has no enforceable limits on income requirements. And the bill is also silent as to whether or not States can include illegal aliens in coverage. The bill will allow States to provide Medicare coverage at Federal taxpayers' expense to anyone the State chooses to cover.

Now, imagine what that means in the State of California where the Governor has already advocated and the legislature has advocated providing health care coverage to illegal aliens. And I say that in the context, ladies and gentlemen, of the fact that all of us need to remember, every bill, every dollar we spend, that the Government Accountability Office has already calculated that in order to pay for the obligations of the Federal Government today, my overriding concern is that, in order to pay for the existing obligations of the Federal Government, the GAO has calculated, Mr. FARR, that each American would have to buy \$155,000 worth of Treasury bills. That's how massive the existing obligations of the Federal Government are.

□ 1745

The existing obligations of the Federal Government are so massive that every living American would have to purchase \$155,000 worth of Treasury bills, and that wouldn't even touch the national debt. That wouldn't even touch the interest on the national debt. And yet the Democrat majority has attempted to jam through a bill here that we don't even really know the ultimate cost.

Mr. BARTON estimates that if the States expand coverage as far as they could to pick up illegal aliens and people of any age group or income group, but if Mr. BARTON is correct, and I think it is reasonable that there is no real way to calculate how much this bill costs, we are adding a monstrous and inexcusable financial debt on the back backs of our children.

You are taking away Medicare coverage from seniors and allowing States to give it to illegal aliens. This is outrageous, it is unacceptable, it is unaffordable, and you are going to break the back of the taxpayers of this country.

And I, for one, will stand at this microphone and all of us have an obligation to stand up here like Horatio at the gates of Rome. If this is the only place that I can stand and fight, I will stand and fight here as long as it takes to protect the Treasury and the taxpayers of this country from irresponsible, irresolute spendthrift practices of the majority of this House, and I won't stand for it.

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

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, I rise with considerable regret, and I want to speak with affection and respect for my good friend and colleague from Texas (Mr. BARTON), the senior member of the Republicans on the Committee on Energy and Commerce. He complained about the process in the Committee on Energy and Commerce.

I would like the House and this committee to know that he was afforded, first of all, every bit of notice that is required by the rules of the House, that the proceedings which were conducted in that committee were conducted in an eminently fair and proper way in full accord with the rules and the proprieties of the House.

I would also like him to know that I am sure he can recall that we sought his counsel as to how it was we could put something together which, in fact, would give him a process which would enable us to address the problem of SCHIP.

I would like to remind him and this committee that SCHIP is going to expire on the 30th of September. That is an important date because at which time we are going to find that all of

the kids, 6 million of them, who have coverage under SCHIP will lose that coverage if something is not done by the Congress of the United States. It is our purpose, given the fact that there will be a recess in this body during the month of August, to see to it that we have this measure ready for the floor in time that the business can be dealt with and that we can handle the matter in a way which will take care of these kids.

The legislation was made available to my good friend and to my Republican colleagues on the committee as soon as it could be done after the necessary discussions were held to try to frame a proper piece of legislation and to address something that responsibility of a fiscal and financial character requires, and that is to deal with the pay-fors and how we will pay for the cost of this program. We have done so, and we have arranged that the payments will be a little different than the Senate bill, but they will be sensible.

First of all, we will require that the Medicare Advantage plans pay their fair share but that they are not overpaid for the services which they are providing. Some of the less fortunate are getting 11 percent more than they are entitled to, some of the more fortunate are getting 19 percent more than they are entitled to, and some of the most fortunate are getting 30 percent more than they are entitled to. It seemed like good sense to put them in a position where they could compete honestly with the other Medicare providers, and that is what we have done. We also have a modest increase in the tobacco tax.

These are all issues which will be considered; and we offered my good friend and my Republican colleagues a chance to amend, debate, and to discuss this legislation.

I would note for the benefit of my good friend from Texas that the rules do not require hearings and that on a number of occasions on important legislation in prior Congresses during his chairmanship and that of others of my very dear friends on the Republican side, the situation was conducted in a way in which there were no hearings and which legislation was brought directly to the committee and shot to the House floor in considerable haste. We protested this, but I have to say that, given the exigencies of the situation, the needs and the circumstances and the fact that the kids are very liable to lose their health care benefits and their insurance under SCHIP, we saw fit to bring the matter up.

The House will, I hope and I think and I am informed, have this measure before us in the next little bit. We will do so with a full opportunity of everybody to debate it, to discuss where the money is coming from, what the benefits will be, and whether or not the legislation should be passed.

It is my personal feeling that we have a chance here to not only save some 6 million kids who would lose all

benefits, but under the legislation which has come out of the Ways and Means Committee and which was considered in the Committee on Energy and Commerce to cover not 6 million but 11 million kids that desperately need this, which will be important.

I conclude with an expression of affection for my friend and colleague from Texas.

#### PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Mr. Chairman, I spoke earlier on the second degree amendment of Mr. MCHENRY. Am I allowed at this time to seek recognition to speak on the original amendment of Mr. GINGREY?

The CHAIRMAN. The gentleman is permitted to seek recognition to speak on the original amendment.

Mr. BARTON of Texas. Then, Mr. Chairman, I move to strike the requisite number of words on the Gingrey amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I would like to engage my distinguished chairman, the Honorable JOHN DINGELL of Michigan, in a colloquy, with his permission.

Mr. DINGELL. I certainly am happy to do that with my dear friend, and I express again my respect and affection for the gentleman from Texas.

Mr. BARTON of Texas. We have the utmost respect for each other, and that is sincere, and there is nothing artificial about that.

Mr. Chairman, is it not true that the bill that was marked up or attempted to be marked up in your committee last week was given to the minority at 11:36 p.m. last Tuesday evening?

#### POINT OF ORDER

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. OBEY. Mr. Chairman, I thought that Members were required to be addressing the matter at hand.

The CHAIRMAN. The gentleman is correct. The Members who are recognized should confine their remarks to the issue that is being debated.

The gentleman from Texas may proceed.

Mr. BARTON of Texas. I understand the rules, Mr. Chairman. I am going to try to comply with the rules.

I support the Gingrey amendment just like I supported the McHenry amendment. I also believe that we should use as close an approximation of an open and fair process on the SCHIP reauthorization as we are using on the pending appropriations process; and I am informed by my staff that the SCHIP bill, which was 465 pages in length, was presented to minority staff at 11:36 p.m. last Tuesday evening; and I would like the distinguished chair-

man of the full Energy and Commerce Committee to indicate to me if that is a true statement.

Mr. OBEY. Point of order, Mr. Chairman.

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

Mr. OBEY. Mr. Chairman, I am perfectly willing to hear the gentlemen debate this matter when their bill is on the floor. But the last time I looked, I thought an appropriations bill was on the floor; and, just for the heck of it, I would like us to stick to the rules and consider the matter before us. We have spent 2 hours on a nonsensical, symbolic amendment that has very little relationship to the bill; and it seems to me this House is getting considerably far afield.

The CHAIRMAN. The gentleman from Wisconsin is correct. The gentleman who sought the time must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. Mr. Chairman, I understand the rules that we are operating under, and I am totally supportive of Mr. GINGREY's amendment on the Ag appropriations bill.

I listened with interest to my committee chairman, Mr. DINGELL, earlier when he rose to speak about the process in the Energy and Commerce Committee. He didn't talk about the Gingrey amendment. He didn't talk about anything dealing with the Ag appropriations. So I am simply trying to get some information from him about what he spoke of, and I think the rules of the Energy and Commerce Committee require a 36-hour advance notice, and we weren't given that 36-hour notice on that bill.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will suspend.

Mr. BARTON of Texas. And I think the chairman knows it.

Mr. OBEY. Point of order, Mr. Chairman. I am not under the impression that the rules of the Energy and Commerce Committee are now before the House. I am under the impression that the Agriculture appropriations bill is before the House, and it would be nice if we could focus our discussion on that.

The CHAIRMAN. The gentleman from Wisconsin stated a point of order, and he is correct. The gentleman from Texas, who has been recognized, must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. I appreciate the chairman's courtesy.

Mr. Chairman, I think the majority is embarrassed to have the question answered. I think the majority knows that we were not given the bill within the 36-hour window. We weren't even given it within a 12-hour window.

Mr. OBEY. Point of order, Mr. Chairman.



The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. OBEY. The gentleman is not discussing the matter at hand.

The CHAIRMAN. Once again, the gentleman from Wisconsin is correct. The gentleman from Texas must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. Well, I need an answer to this question, and I am at a loss about how to get that answer.

I listened to my chairman explain his position. I would hope that we could give him a chance to respond to a few simple questions about what he just told the body.

So my question is, did we get the bill within 36 hours?

Mr. OBEY. Mr. Chairman, point of order. The gentleman can raise any question he wants with the gentleman from Michigan but not on an appropriation bill.

The CHAIRMAN. The gentleman from Wisconsin is correct. The gentleman from Texas must confine his remarks to the pending question.

#### PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. BARTON of Texas. Is it within the rules of the bill that is under consideration now to go back and ask that previous comments be read to the body to see if they were germane to the pending question? Is that within the rules?

The CHAIRMAN. That is not in order.

Mr. BARTON of Texas. That is not in order or it is in order?

The CHAIRMAN. A Member wishing to address the propriety of those remarks must have been timely. The gentleman's present request would not be timely.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from Texas has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I would ask my distinguished chairman, who is the dean of the House, who has served in this body over 50 years, who will go down in its history as one of the most effective Members of the entire 200-plus years of the Congress, if the current process that we are apparently going to use on the SCHIP bill once we get through the Agriculture appropriation bill—

#### POINT OF ORDER

Mr. OBEY. Mr. Chairman, point of order. This is not a matter pertaining to the subject at hand.

Mr. BARTON of Texas. With all due respect, I think that does pertain to the subject at hand.

□ 1800

The CHAIRMAN. Does the gentleman from Wisconsin have a point of order?

Mr. OBEY. Yes, I do. The gentleman is not addressing the matter at hand. This is not the United States Senate where anything is possible.

The CHAIRMAN. The gentleman is correct. The gentleman from Texas must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. I would like to yield to my distinguished chairman for any remarks he cares to make. How are the Tigers doing in the American League? What are his plans for the August break? If we can't talk about substantive issues because the majority is embarrassed to hear the answer, maybe we can discuss something else.

Mr. OBEY. Point of order, Mr. Chairman.

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

Mr. OBEY. Perhaps the gentleman can tell us what the name of the Secretary of Agriculture is. That would at least get us close at hand to the subject we are supposed to be debating.

Mr. BARTON of Texas. Well, it's not DAVID OBEY.

I am going to yield back the balance of my time, Mr. Chairman, out of respect for the chairman's courtesies.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I do want to speak in favor of the McHenry amendment. I think it is a vitally important amendment that we debate on this House floor today. Maybe the dollar amount is modest; the principle is huge. This is a body that spends too much of the people's money, and it has repercussions. And no matter how intensely our friends from the other side of the aisle want to prevent us from painting a picture for the American people on where their spending is leading, we feel compelled to speak out.

Mr. Chairman, already this body is spending over \$23,000 per American household. In real terms, it's one of the greatest amounts since World War II. Every appropriations bill that has come to the floor, practically every single one is spending more money than last year, way beyond the rate of inflation and beyond the ability of the family budget to pay for the excess in the Federal budget.

So, now we have an Agriculture appropriations bill which is almost 6 percent above last year. I assure you, the American people didn't get a 6 percent raise, those who are expected to pay for it. And beyond the 6 percent increase, the bill expands mandatory spending. Now, supposedly PAYGO is supposed to apply to this, but it doesn't because we have a PAYGO loophole. And this is a big, big loophole, Mr. Chairman. And we need to pay attention to more man-

datory spending. Because already, simply with the government that we have today, before our friends on the other side of the aisle add on a massive increase in an SCHIP program that's going to be funded with tax increases and Medicare cuts, before they do that, we're already on automatic pilot to double taxes on the next generation. We're either going to double taxes on the next generation or there is not going to be any Federal Government to speak of, except Medicare, Medicaid and Social Security. There will barely be any funds for anything else.

And don't take my word for it, Madam Chair, take the word of the Office of Management and Budget, the Chairman of the Federal Reserve, the conservative Heritage Foundation, the liberal Brookings Institute. So there is this train wreck coming on entitlement spending.

We have a modest amendment that would reduce a little bit of spending in the Agriculture bill to take off that pressure, and instead the amendment is simply mocked. Well, we can't do that because we know if we don't pass this amendment, this modest amendment, to save money on the Agriculture appropriations bill, we know what it's leading to on SCHIP, a new permanent entitlement of almost \$160 billion over 10 years. I mean, Madam Chair, this is unconscionable, unconscionable on top of the burden that is already going to be placed upon future taxpayers.

Now, we have so many Members who come to the floor and talk about, well, we have to be here for the least of these. Well, Madam Chair, I would posit that maybe the least of these are those who do not vote and those who have yet to be born. And so that is why we need the amendment passed by the gentleman from North Carolina to save this money, to take pressure off of creating this new huge permanent entitlement in SCHIP.

We also need this amendment in this Ag bill to take the pressure off this huge cut in Medicare that the Democrat majority is now planning, as they seek to pit grandparents against their grandchildren in this massive SCHIP tax-spend-debt spiral. I mean, they're going to increase taxes, the tobacco taxes. I'm not a smoker. I used to be a volunteer in the American Cancer Society, but last I looked, it's still a legal activity. So taxes are going to fall on low- and moderate-income Americans as they seek to take away private insurance from others and put them onto a public insurance plan.

We're looking again at cutting Medicare Advantage plans, almost 20 percent of the people. We're going to have pressure to cut Medicare.

Mr. JACKSON of Illinois. Madam Chairman, will the gentleman yield for a question?

Is the gentleman aware that we've accepted the amendment?

Mr. HENSARLING. Madam Chair, do I control the time? If so, I have not yielded to the gentleman from Illinois.

The Acting CHAIRMAN (Mrs. TAUSCHER). The gentleman from Texas controls the time.

Mr. HENSARLING. I would urge the adoption of this amendment so that we can save some money here and prevent this massive raid on the Medicare trust fund that is coming in in this SCHIP bill.

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

#### PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Madam Chairman, is there a particular parliamentary vehicle that, once an amendment has been accepted by the majority, that the amendment can then be disposed of?

I don't know what the point is here. We've accepted the amendment. It's been asked. It's been answered. We accept it. We want to add it to the bill. We're prepared to move forward. We've accepted the amendment.

The Acting CHAIRMAN. The Chair will put the question on the amendment after 5-minute debate has been exhausted.

Mr. JACKSON of Illinois. I thank the Chair.

Mr. BOUSTANY. Madam Chair, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOUSTANY. Madam Chairman, I also rise in support of the McHenry amendment. Clearly, we have to get some control over spending, and this Agriculture bill is no exception to this.

As we look at this spending bill, as we've looked at the rest of them, we're continuing to spend more money, and it's a recipe for further tax increases. Furthermore, it's going to be at the expense of seniors. Here we are, we're looking at an SCHIP bill which, in my opinion, after looking at this to the extent I've been able to look at it, appears to be very irresponsibly crafted. In fact, I believe it to be a cruel hoax.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order, Madam Chairman.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. JACKSON of Illinois. Madam Chair, as I understand previous rulings from the Chair, that the gentleman must confine his remarks to the matter at hand, the Agriculture appropriations bill, and not the SCHIP bill, which will come before the Congress later this week.

The Acting CHAIRMAN. The gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chair.

As I was saying, this bill continues to spend far too much money, as did all the previous appropriations bills we've voted upon, and it is going to put fur-

ther pressure on the work that we desperately need to do.

Looking at what we're going to go forward with as we look at health care, how are we going to pay for health care if we're putting all this money into overspending in these other bills? We have to get our priorities straight.

If we're going to raise cigarette taxes, a diminishing source of revenue, to pay for a program that's expanding, and then we're also going to take one-time money from Medicare Advantage to pay for an expanded program, how is it that we're going to deal with our entire Federal budget? Again, this bill before us today is a big part of the problem.

#### POINT OF ORDER

Mr. SCOTT of Georgia. Point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. SCOTT of Georgia. Madam Chair, I have sat here and have counted 15 straight times that we have ruled on the central question of germaneness. We are here to talk about the Agriculture appropriations.

The Acting CHAIRMAN. Does the gentleman have a point of order?

Mr. SCOTT of Georgia. My point of order is, where is it in the rules to which this total disrespect for the Chair and the rulings of the Chair continues to be allowed? What is the point of having a rule?

Mr. GINGREY. Madam Chair, point of order.

Mr. SCOTT of Georgia. May I have my point of order responded to?

The Acting CHAIRMAN. As the Chair has already ruled, the gentleman from Louisiana must confine his remarks to the pending question.

Mr. GINGREY. Madam Chairman, point of order.

The Acting CHAIRMAN. The gentleman from Georgia may state his point of order.

Mr. GINGREY. Madam Chairman, is it not true that we are talking about a spending bill—

The Acting CHAIRMAN. Is the gentleman stating a point of order or parliamentary inquiry?

Mr. GINGREY. The point of order, Madam Chairman, is, if there is spending and language in this bill that pertains to drugs, that pertains to health care, that pertains to the FDA and drug reimportation, then that makes this discussion of spending germane to the overall bill.

The Acting CHAIRMAN. The Chair has already ruled.

The gentleman from Louisiana must maintain an ongoing nexus between the pending question and any broader policy issues.

The gentleman from Louisiana may proceed.

Mr. FARR. Madam Chair, parliamentary inquiry.

The Acting CHAIRMAN. Does the gentleman from Louisiana yield for a parliamentary inquiry?

Mr. BOUSTANY. Madam Chair, reclaiming my time, I just want to say

that we're talking about an Agriculture bill, a spending bill, and we're talking about money that is going to be spent. We're talking about money that is going to be spent in this that will not be available to spend on health care issues, particularly on a number of issues affecting rural seniors.

Now, I have a rural district, it depends on agriculture, and as we go forward, we're going to hurt these seniors in these rural communities. If we cut over \$200 billion in Medicare spending, I have 3,246 seniors in the Seventh Congressional District who are currently enrolled in the Medicare Advantage who are going to suffer. So I think we have to get our priorities straight as we go forward.

Furthermore, as we look at payments for hospitals are being cut \$2.7 billion; in-patient rehabilitative services, \$6.6 billion in cuts; payments for skilled nursing facilities, \$6.5 billion in cuts; payments for certain drugs, \$1.9 billion; in-State renal disease, \$3.6 billion. These are seniors who are poor in my Seventh Congressional District, and because of the spending in this Agriculture bill, they can't take care of these problems.

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman from Connecticut will state her point of order.

Ms. DELAURO. It has been ruled over and over again on this floor that the gentleman has to keep his remarks in the context of the bill, the Agriculture appropriations bill that is being discussed.

The Acting CHAIRMAN. The gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chairwoman.

Again, I state that I am supporting the McHenry amendment because I think it's an important step forward as we get some control over spending so we can set our priorities straight so we don't hurt rural seniors.

I pointed out the numerous cuts that are going to be made to the 3,246 seniors in the Seventh Congressional District alone.

Madam Chair, when is the spending spree going to stop? When are we going to get control over this spending so that we can set our priorities straight?

#### POINT OF ORDER

Mr. ISRAEL. Madam Chair, point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. ISRAEL. Madam Chair, we have been debating this amendment for 1 hour. We accepted this amendment within that 1 hour.

The Acting CHAIRMAN. Does the gentleman have a point of order?

Mr. ISRAEL. Madam Chairman, how many times can our friends on the other side of the aisle raise non-germane issues after the Chair has ruled that they must confine their remarks to the underlying bill?

The Acting CHAIRMAN. The Chair will respond to points of order as they are made.

The gentleman from Louisiana will continue.

Mr. BOUSTANY. I thank the Chair.

Again, Agriculture spending is what we're talking about. But if we're spending excessive money in this Ag appropriations bill, it's going to hurt what we can do to take care of our seniors.

Again, 3,246 seniors in the Louisiana Seventh Congressional District are going to be hurt by this situation. If we look at the SCHIP situation that we're faced with, we're going to have problems with cuts because we don't have money available because of the Agriculture bill.

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentlewoman from Connecticut.

Ms. DELAURO. My colleague is supposed to keep his comments to the business at hand before the Committee, not what business the House will consider in the coming days; is that not true, Madam Chair?

The Acting CHAIRMAN. The gentlewoman is correct. The Chair has ruled that the gentleman from Louisiana must confine his remarks to the pending question.

Mr. BOUSTANY. I thank the Chair.

Furthermore, as we go forward with a bill that is increasing spending in Agriculture, I have seniors in my district who need motorized wheelchairs, and they may be forced to wait a month or more.

□ 1815

Again, because of the spending in this bill—

Mr. JACKSON of Illinois. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. BOUSTANY. No.

The Acting CHAIRMAN. The gentleman from Louisiana may continue.

Mr. BOUSTANY. Furthermore, with the spending in this bill, it is going to reduce the amount of time that the government will rent oxygen equipment for seniors to up to 36 months. This is going to be a problem for my seniors. We have got to get control over this spending. The first step here is with the McHenry amendment.

Furthermore, I think if we look at what has happened with agriculture spending, typically, much of the money that has been spent on agriculture doesn't even go to agriculture. It has gone to all kinds of other pet programs.

Madam Chairman, we have to set our priorities straight here.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. FOXX. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chairman, I appreciate very much the recognition.

Madam Chairman, I think that the American people are probably getting a pretty good lesson on the effectiveness, or lack of effectiveness, of this Congress right now. Unfortunately for the institution, the lesson is driving home the poll numbers that show how little regard the American people have for the majority party right now. It is important that we have the opportunity to debate every one of these bills and that we have the opportunity to debate the amendments that are here.

I rise in support of the amendment that my colleague from North Carolina has offered. I think, again, that it is important that we do that. It is also important that we have the ability to tie the amendments that are being offered to this agriculture bill to other issues. The majority party may not want to do that. However, it is very important that we do that, because these appropriations bills are all tied together.

Last year, there was a great hue and cry from the majority party about how much money was being spent by the Republicans, what profligate spenders we were. Now that the Democrats are proposing spending all this money, it is negligible. \$10 million is negligible. \$5 million is negligible. It is insignificant. All kinds of words like that are being used.

When we try to point out the connection between what is happening in this bill and with the amendments that we are offering to things like the SCHIP bill, then the majority party doesn't want us to do that.

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentlewoman from Connecticut will state her point of order.

Ms. DELAURO. Madam Chairman, the gentlewoman's remarks need to be confined to the Agriculture appropriations bill. The amendment has been accepted, in case the gentlewoman did not know that.

The Acting CHAIRMAN. The gentlewoman from Connecticut is correct. The gentlewoman from North Carolina must confine her remarks to the pending question.

The gentlewoman will proceed.

#### PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. Does the gentlewoman yield for a parliamentary inquiry?

Ms. FOXX. Yes, I do.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Madam Chairman, isn't it within the rules of the House while debating a pending question to include references to extraneous material?

The Acting CHAIRMAN. The gentlewoman from North Carolina must maintain an ongoing nexus between

the pending question and any broader policy issues.

Mr. BARTON of Texas. But broader policy issues can be addressed.

The Acting CHAIRMAN. As long as the nexus is maintained.

The gentlewoman from North Carolina may continue.

Ms. FOXX. Madam Chairman, I thank my colleague for seeking the clarification of this. I have been very confused about the majority party not wanting us to talk about the entire budget. This is one piece of an entire budget that this House is going to pass. I don't see how you can possibly say there is no nexus.

Every spending bill in this Chamber is connected to every other spending bill, so how can you possibly say that they are not the same? You passed this huge budget with the largest tax increase in the history of this country. The budget sets the spending. I cannot understand why we can't talk about the budget and every other spending bill that we are going to deal with in conjunction with this spending bill, because they are all tied together.

I would also like to point out to you that I guess while you are trying to speed us along you are raising all these points of order, which is simply slowing down the process. I find that somewhat amusing, too, as we are trying to move the process along.

But it is important that we talk about our rural districts and what the SCHIP program would do to seniors. I have seniors who are going to be hurt by this.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order. Madam Chairman, the gentlelady is engaged in irrelevant debate.

The Acting CHAIRMAN. The gentlewoman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the gentlewoman is engaged in irrelevant debate.

Ms. FOXX. Madam Chairman, I just stated—

Mr. JACKSON of Illinois. Madam Chairman, I would like a ruling on my point of order.

The Acting CHAIRMAN. The gentlewoman will suspend.

The gentlewoman from North Carolina must confine her remarks to the pending question.

The gentlewoman may proceed.

Ms. FOXX. Well, I will say again that we passed one budget in this House that includes the money for all the spending bills. If there is one budget, then it would seem to me that all of the spending bills are tied to each other. Therefore, any spending bill has a connection to every other spending bill. So there is a nexus there, and talking about what is going to happen or what is being proposed in one spending bill is relevant to every other spending bill. I simply don't see how you can separate them.

It is going to be especially clear to the American people that that is the case when an omnibus spending bill is brought here this fall and we are asked to vote for, again, the largest tax increase in the history of this country within the confines of a very, very large spending bill.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. WALDEN of Oregon. Madam Chairman, I ask to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Madam Chairman, I rise today on the McHenry amendment, which would cut \$100,000 from the USDA, the Department of Agriculture. \$100,000, that is the equivalent to what the out-of-pocket costs will be if you have a 10 percent cut in Medicare Advantage for poor health seniors in my State.

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman from Connecticut.

Ms. DELAURO. The gentleman is engaged in irrelevant debate and is not speaking about the issue at hand, the Agriculture appropriations bill.

Mr. WALDEN of Oregon. No, I actually was.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Oregon must confine his remarks to the pending question.

The gentleman may proceed.

Mr. WALDEN of Oregon. I am trying to put what \$100,000 means in perspective for people who may actually get hit with higher costs because of other policy changes coming down the road as part of this overall budget.

I would also point out to my friends on the Democratic side of the aisle that the Agriculture appropriations bill also contains in it language related to drug reimportation; and, indeed, that is an issue in this bill before this House at this time.

Certainly, if the Medicare Advantage plans are whacked in a rural district, then perhaps seniors may want to take advantage of that provision. I don't know. Because drug reimportation poses a whole set of different issues that can be problematic, if you have seen some of the polluted drugs coming in from China right now.

So that is an issue that concerns me. Because if they lose their Medicare Advantage coverage that may help them in that area, who knows what is left in terms of cuts in Medicare.

#### POINT OF ORDER

Mr. OBEY. Madam Speaker, point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. The House is not debating the issue of Medicare Advantage. The House is debating an Agriculture appropriations bill, and the gentleman has an obligation to stay on the subject.

The Acting CHAIRMAN. The gentleman will direct his remarks to the pending question.

#### PARLIAMENTARY INQUIRY

Mr. WALDEN of Oregon. Parliamentary inquiry, Madam Chairman. Is there not in the underlying bill language dealing with drug importation?

The Acting CHAIRMAN. The gentleman from Oregon must maintain an ongoing nexus between the pending question and any broad policy issues.

The gentleman from Oregon may continue.

Mr. WALDEN of Oregon. So the policy here in this context would be related to drugs, because in the underlying bill is drug reimportation language.

There is not? Okay. So you are telling me in the Agriculture appropriations bill there is no language in there that deals with drug importation. That is news, if you read the bill.

The Acting CHAIRMAN. The gentleman will suspend.

Currently pending the House has before it the amendment of the gentleman from North Carolina to the amendment of the gentleman from Georgia. That is the business that is pending. That is the question that the gentleman's remarks should be directed to.

Mr. WALDEN of Oregon. So you can't talk about anything else in the agriculture bill, just the \$100,000 cut.

The Acting CHAIRMAN. The Chair has ruled that the gentleman should confine his remarks to the pending question, which is the McHenry amendment to the Gingrey amendment.

#### POINT OF ORDER

Mr. WESTMORELAND. Point of order.

The Acting CHAIRMAN. The gentleman from Georgia has a point of order. Please state it.

Mr. WESTMORELAND. Madam Chairman, do the rules of this House apply the same to every Member of the House?

The Acting CHAIRMAN. Is the gentleman stating a parliamentary inquiry or a point of order?

Mr. WESTMORELAND. A parliamentary inquiry.

The Acting CHAIRMAN. Does the gentleman from Oregon yield for that purpose?

Mr. WALDEN of Oregon. I would be happy to yield.

#### PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Madam Chairman.

The Acting CHAIRMAN. State your parliamentary inquiry.

Mr. WESTMORELAND. Do the rules of this House apply to every Member equally?

The Acting CHAIRMAN. The gentleman is correct.

Mr. WESTMORELAND. Madam Chairman, further parliamentary inquiry. Is it not true that the chairman of Energy and Commerce came to the floor and never mentioned the amendment that was being discussed?

The Acting CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. WESTMORELAND. Further parliamentary inquiry.

Mr. WALDEN of Oregon. I continue to yield.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. The same parliamentary inquiry. Is it not true that when the gentleman that is chair of Energy and Commerce—

The Acting CHAIRMAN. The Chair does not exercise initiative in this area but only rules on points of order as they are made.

The gentleman from Oregon is recognized.

Mr. WALDEN of Oregon. Thank you, Madam Chairman. I will try and confine my remarks more to the McHenry amendment, which, as we know, would cut \$100,000 out of the Department of Agriculture.

Now, that \$100,000 may not seem like a lot to many on this floor, but it may seem like a lot to a senior if they are going to lose their Medicare Advantage plan. But I know that is not the issue before us at this moment. The issue really is, how do you control spending in the Federal government?

I think one of the ways you control spending in the Federal government is through the McHenry amendment. Because the McHenry amendment reduces Federal spending by \$100,000, which may not seem like a lot to some and they may not want us to talk about how it could be used in other programs that may come before this House at a different time in a different way. But certainly, if you were going to lose your Medicare, you would be concerned about you might save \$100,000 here that could be used somewhere else so you did not have to raise taxes on, say, health insurance.

Saving \$100,000 here is a good thing. It may not seem like a lot, but it is still a good thing. It reduces spending, and this government has had trouble reducing spending. We have spent a lot of time on this floor debating amounts that are even less than \$100,000. I would like to see us go farther than that, because I also know in other committees there is debate going on about having to raise revenues to fund other programs.

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman will state her point of order.

Ms. DELAURO. The gentleman's remarks need to be confined to the issue at hand, the matter at hand. The amendment has to do with the Office of the Secretary of Agriculture.

Mr. WALDEN of Oregon. That is what I am speaking to, Madam Chairman. I am speaking to the \$100,000 cut in the Office of the Secretary of Agriculture.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman will confine his remarks to the pending matter, which is the McHenry amendment.

Mr. WALDEN of Oregon. How am I not, Madam Chairman? How am I not confining my remarks? Could you delineate? Can you not talk about anything else, other than simply the words in the amendment?

The Acting CHAIRMAN. The gentleman must confine his remarks to the pending question.

Mr. WALDEN of Oregon. So I am. This amendment, if approved, would save \$100,000. This amendment, if approved, would save \$100,000. I would like to be able to put that in a broader context for my colleagues in terms of what that might mean to other spending and other situations around here where the Democrats have decided to raise—

#### POINT OF ORDER

Ms. DELAURO. Point of order.

The Acting CHAIRMAN. The gentleman from Connecticut.

Ms. DELAURO. Is it not true that the issue is whether or not there is \$50,000 or \$100,000 that is to be cut, and that is the issue at hand, and that is the issue that ought to be addressed?

The Acting CHAIRMAN. The gentleman is correct.

Ms. DELAURO. And it has been accepted.

The Acting CHAIRMAN. The McHenry amendment to the Gingrey amendment is the pending question.

□ 1830

Mr. WALDEN of Oregon. Madam Chairman, I am speaking to the importance of cutting \$100,000 rather than \$50,000.

Mr. GINGREY. Madam Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Georgia.

Mr. GINGREY. I appreciate the gentleman yielding.

Is it not true that these points of orders and parliamentary inquiries that keep coming from the other side are just dilatory tactics on their part to take away our ability to talk to the American people and to this body on a very important issue?

Mr. WALDEN of Oregon. Well, it would seem to me that they have narrowed what we can say, trying to silence the minority, trying to silence Republicans from bringing to light certain issues we care about. We have been restricted now to simply talking about a dollar amount on one amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. DELAURO. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Connecticut has already spoken on the pending propositions.

Mr. ISRAEL. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ISRAEL. I yield to the distinguished chairwoman of the subcommittee.

Ms. DELAURO. Madam Chairman, I thank the gentleman.

I want to make the point that it is really laughable to talk about dilatory. It really is. It is now not an hour and a half, it is almost 2½ hours on an amendment that has been accepted and a secondary amendment that has been accepted by the Committee for the Department of Agriculture. The cuts have been made.

#### POINT OF ORDER

Mr. PRICE of Georgia. Madam Chairman, point of order.

The Acting CHAIRMAN. The gentleman will suspend. The gentleman may state his point of order.

Mr. PRICE of Georgia. As I understand the Chair's ruling before, individual Members must confine their comments to the amendment at hand.

Ms. DELAURO. That is exactly what I'm doing. The amendment at hand, the McHenry amendment, to increase the Gingrey amendment from \$50,000 to \$100,000. We have debated it. It has been accepted.

Mr. PRICE of Georgia. Is there a ruling from the Chair?

The Acting CHAIRMAN. The gentleman has confined her remarks to the pending question.

Mr. ISRAEL. I yield back the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state it.

Mr. PRICE of Georgia. I have noticed that the Chair has qualitatively ruled on the nature of Members' comments on the floor as it relates to confining their comments to the amendment. I would suggest that is not an appropriate compliance with the rules of the House.

The Acting CHAIRMAN. The Chair will respond to points of order as they are made.

Mr. PRICE of Georgia. I thank the Chair.

#### PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from New Jersey may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. When the Chair rules to a point of order with respect to limiting one's comments or debate to the underlying amendment that is before us at the time, is that time allowed to be discussed on something with respect to the amount of time in essence that we are discussing that bill or does the language only go to the underlying amendment?

The Acting CHAIRMAN. The gentleman from New Jersey, or any Member addressing the House on a particular pending question, must maintain an ongoing nexus between the pending question and any broader policy issues.

Mr. GARRETT of New Jersey. Further parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Is it a sufficient nexus to discuss the amount of time that an individual is taking to discuss the underlying amendment?

The Acting CHAIRMAN. Broader issues could include the time being consumed by the Member.

Mr. GARRETT of New Jersey. Thank you.

Mr. SHADEGG. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. I rise in strong support of the McHenry amendment to reduce the budget of the Office of the Secretary by \$101,000.

The reason I support that amendment is because I do not support cutting the Medicare Advantage program by billions of dollars and hurting seniors.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. The gentleman from Arizona has confined his remarks to the pending amendment. The gentleman may proceed.

Mr. SHADEGG. Thank you. I would rather cut the Secretary's budget by \$101 billion as a way to save money than to cut the Medicare Advantage program because the Medicare Advantage program helps millions of Americans and thousands in my own congressional district. So as the Democrats propose to cut that program in their SCHIP bill, I believe it would be better to cut this program.

I rise in support of the McHenry amendment to cut \$101,000 from the Secretary's budget because the Medicare Advantage bill will cut 3 million seniors' ability to collect their benefits through Medicare Advantage. That 3 million includes some of the poorest of seniors who are on Medicare Advantage, and I would rather cut \$101,000 from the Secretary's budget than cut that money going to Medicare seniors who need it desperately.

I support the amendment by the gentleman from North Carolina (Mr. McHENRY) to cut \$101,000 from the budget of the Secretary of Agriculture because the other cut we are faced with is a \$15 billion cut in part A, including a cut in benefits to skilled nursing facilities, as the Democrats propose to do in their SCHIP bill.

I would rather cut the Department of Agriculture's budget than—

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. The majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate about the SCHIP program in another bill for another day.

The Acting CHAIRMAN. The gentleman from Arizona must confine his remarks to the pending question.

The gentleman may proceed.

#### PARLIAMENTARY INQUIRY

Mr. SHADEGG. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. I presume I can state my reason for supporting the amendment; is that correct?

The Acting CHAIRMAN. The gentleman must keep his remarks to the pending question, and there must be a nexus between the pending question and broader policy issues.

The gentleman may proceed.

Mr. SHADEGG. And I will continue to say that a \$15 billion cut in skilled nursing facilities is, from my perspective, a bad idea, much worse than a \$101,000 cut from the Secretary's budget. And, therefore, I rise in strong support of the McHenry amendment because I don't want to see skilled nursing cut as the Democrats propose to do in their SCHIP bill.

I support the McHenry amendment which would cut \$101,000 from the Secretary's budget because I don't support cutting rehabilitation facilities as the Democrats would do in their SCHIP bill.

Indeed, I would much prefer to cut \$100,000 from the Secretary's budget than to cut, as the Democrats do in their SCHIP bill, rehabilitation facilities.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman will suspend.

The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate about a piece of legislation that will come up in a few days. We are discussing the Agriculture appropriations bill.

The Acting CHAIRMAN. The gentleman must confine his remarks to the pending question.

The gentleman may proceed.

Mr. SHADEGG. As I believe I have, quite skillfully.

I do rise in very strong support of the McHenry amendment because I believe that cutting the Secretary's budget is a much better idea than cutting skilled nursing facilities.

I believe it is a much better idea than cutting long-term hospital facilities, as

the Democrats do in their SCHIP bill. And I think it would be much better to cut \$100,000 from the Secretary of Agriculture's administrative budget than to cut, as the Democrats do, funding for long-term care by hospitals.

It seems to me this is a simple debate: Where do we cut? I would much rather cut \$100,000 from the budget of the Office of the Secretary than to cut \$9 billion from Medicare plan B, including payments for oxygen, as the Democrats do in their SCHIP bill. It seems to me that kind of cut in their SCHIP bill is a bad idea. I would rather support the gentleman's amendment.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. Madam Chairman, the gentleman sounds like a broken record. The majority has accepted the McHenry amendment and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. JACKSON of Illinois. The majority has accepted the McHenry amendment, and the minority continues to engage in irrelevant debate.

The Acting CHAIRMAN. Is the gentleman making a point of order that the debate is irrelevant?

Mr. JACKSON of Illinois. I am making the point of order that the debate is absolutely irrelevant.

The Acting CHAIRMAN. The gentleman is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. Madam Chairman, I seek a clarification. What was the ruling of the Chair?

The Acting CHAIRMAN. The point of order is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. Precisely how did my remarks not—

The Acting CHAIRMAN. The pending question is the amendment by Mr. McHenry of North Carolina to the amendment by the gentleman from Georgia. That is the pending question.

Mr. SHADEGG. And I thank the Chairman for her ruling, and I am pleased to say that each of my points have tried to explain that I support, adamantly support the amendment by the gentleman to cut \$100,000 from the Secretary's budget because I don't favor these other cuts. I don't favor cutting the funding for end-stage renal disease programs. I would much rather cut the Department of Agriculture administrative budget than do as the Democrats would in their SCHIP bill, cut \$3.6 billion from the end-stage renal disease program.

It seems to me that the amendment of the gentleman from North Carolina to cut \$100,000 from the administrative budget of the Secretary is a much-pref-

erable method to achieve the savings that we need. In each of these instances, I believe that cutting the Secretary's budget would make much more sense than cutting the Medicare program.

I have constituents in my district who would much rather see us cut the Ag budget than see us cut Medicare or see us cut end-stage renal disease or than see us cut oxygen therapy as is all done in the Democrats' SCHIP bill. For all of those reasons, I believe it is very important that we support the gentleman's amendment.

#### POINT OF ORDER

Mr. JACKSON of Illinois. Point of order.

The Acting CHAIRMAN. The gentleman from Illinois may state his point of order.

Mr. JACKSON of Illinois. The minority continues to engage in irrelevant debate.

Mr. SHADEGG. There is nothing irrelevant about it.

The Acting CHAIRMAN. The gentleman from Arizona will suspend.

Does the gentleman make a point of order that the debate is irrelevant?

Mr. JACKSON of Illinois. I make the point of order that the debate is irrelevant.

The Acting CHAIRMAN. The gentleman is correct. The gentleman from Arizona must confine his remarks to the pending question.

Mr. SHADEGG. I appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the Committee?

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

#### RECORDED VOTE

Mr. SHADEGG. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 178, not voting 39, as follows:

[Roll No. 777]

#### AYES—220

Abercrombie	Carnahan	Donnelly
Ackerman	Carney	Edwards
Altmire	Carson	Ellison
Andrews	Castor	Ellsworth
Arcuri	Chandler	Emanuel
Baca	Christensen	Engel
Baird	Clay	Eshoo
Baldwin	Cleaver	Etheridge
Barrow	Clyburn	Faleomavaega
Bean	Conyers	Farr
Becerra	Cooper	Fattah
Berkley	Costa	Filner
Berman	Costello	Frank (MA)
Berry	Courtney	Giffords
Bishop (GA)	Cramer	Gillibrand
Bishop (NY)	Crowley	Gonzalez
Blumenauer	Cuellar	Gordon
Bordallo	Cummings	Green, Al
Boren	Davis (AL)	Green, Gene
Boswell	Davis (CA)	Grijalva
Boyd (FL)	Davis (IL)	Gutierrez
Boyd (KS)	Davis, Lincoln	Hall (NY)
Brady (PA)	DeGette	Hare
Brown, Corrine	Delahunt	Harman
Butterfield	DeLauro	Hastings (FL)
Capps	Dingell	Herseth Sandlin
Capuano	Doggett	Higgins



Hill	Matsui	Salazar
Hinche	McCarthy (NY)	Sanchez, Loretta
Hinojosa	McCollum (MN)	Sarbanes
Hirono	McDermott	Schakowsky
Hodes	McGovern	Schiff
Holden	McIntyre	Schwartz
Holt	McNerney	Scott (GA)
Honda	McNulty	Scott (VA)
Hooley	Meek (FL)	Serrano
Hoyer	Meeks (NY)	Sestak
Inslee	Melancon	Shea-Porter
Israel	Michaud	Sherman
Jackson (IL)	Miller (NC)	Shuler
Jackson-Lee	Mitchell	Sires
(TX)	Mollohan	Skelton
Jefferson	Moore (KS)	Slaughter
Johnson (GA)	Moore (WI)	Smith (WA)
Johnson, E. B.	Moran (VA)	Snyder
Jones (OH)	Murphy (CT)	Solis
Kagen	Murphy, Patrick	Space
Kanjorski	Murtha	Spratt
Kaptur	Nadler	Stark
Kennedy	Napolitano	Stupak
Kildee	Neal (MA)	Sutton
Kilpatrick	Norton	Tanner
Kind	Oberstar	Tauscher
Klein (FL)	Obey	Taylor
Kucinich	Olver	Thompson (CA)
LaHood	Ortiz	Thompson (MS)
Lampson	Pallone	Tierney
Langevin	Pascarell	Towns
Lantos	Pastor	Udall (NM)
Larsen (WA)	Payne	Van Hollen
Larson (CT)	Perlmutter	Velázquez
Lee	Peterson (MN)	Visclosky
Levin	Pomeroy	Walz (MN)
Lewis (GA)	Price (NC)	Wasserman
Lipinski	Rahall	Schultz
Loeb	Rangel	Watson
Lofgren, Zoe	Reyes	Watt
Lowey	Rodriguez	Waxman
Lynch	Ross	Weiner
Mahoney (FL)	Rothman	Welch (VT)
Maloney (NY)	Roybal-Allard	Wexler
Markey	Ruppersberger	Woolsey
Marshall	Rush	Wu
Matheson	Ryan (OH)	Yarmuth

## NOES—178

Aderholt	Emerson	LoBiondo
Akin	English (PA)	Lucas
Alexander	Everett	Lungren, Daniel
Bachmann	Fallin	E.
Bachus	Ferguson	Mack
Baker	Flake	Manzullo
Barrett (SC)	Fortenberry	McCarthy (CA)
Bartlett (MD)	Fox	McCotter
Barton (TX)	Franks (AZ)	McHenry
Biggart	Frelinghuysen	McHugh
Bilbray	Gallegly	McKeon
Bilirakis	Garrett (NJ)	McMorris
Blackburn	Gerlach	Rodgers
Blunt	Gilchrest	Mica
Boehner	Gillmor	Miller (FL)
Bonner	Gingrey	Miller (MI)
Bono	Gohmert	Miller, Gary
Boozman	Goode	Moran (KS)
Boustany	Goodlatte	Murphy, Tim
Brady (TX)	Granger	Musgrave
Broun (GA)	Graves	Myrick
Brown (SC)	Hall (TX)	Neugebauer
Brown-Waite,	Hastert	Paul
Ginny	Hastings (WA)	Pearce
Buchanan	Heller	Pence
Burgess	Hensarling	Peterson (PA)
Burton (IN)	Herger	Petri
Calvert	Hobson	Pitts
Camp (MI)	Hoekstra	Platts
Campbell (CA)	Hulshof	Poe
Capito	Inglis (SC)	Porter
Carter	Issa	Price (GA)
Castle	Jindal	Pryce (OH)
Chabot	Johnson (IL)	Putnam
Coble	Jones (NC)	Radanovich
Cole (OK)	Jordan	Ramstad
Conaway	Keller	Regula
Crenshaw	King (IA)	Rehberg
Cubin	King (NY)	Reichert
Culberson	Kingston	Renzi
Davis (KY)	Kirk	Reynolds
Davis, David	Kline (MN)	Rogers (AL)
Deal (GA)	Kollenberg	Rogers (KY)
Dent	Kuhl (NY)	Rogers (MI)
Diaz-Balart, M.	Lamborn	Rohrabacher
Doolittle	Latham	Ros-Lehtinen
Drake	LaTourette	Roskam
Dreier	Lewis (CA)	Royce
Duncan	Lewis (KY)	Sali
Ehlers	Linder	Saxton

Schmidt	Stearns	Wamp
Sensenbrenner	Sullivan	Weldon (FL)
Sessions	Terry	Weller
Shadegg	Thornberry	Westmoreland
Shays	Tiahrt	Wilson (NM)
Shimkus	Tiberi	Wilson (SC)
Shuster	Turner	Wolf
Simpson	Upton	Young (AK)
Smith (NE)	Walberg	Young (FL)
Smith (NJ)	Walden (OR)	
Souder	Walsh (NY)	

## NOT VOTING—39

Allen	Dicks	Pickering
Bishop (UT)	Doyle	Ryan (WI)
Boucher	Feeney	Sánchez, Linda
Braley (IA)	Forbes	T.
Buyer	Fortuño	Smith (TX)
Cannon	Fossella	Tancredo
Cantor	Hayes	Udall (CO)
Cardoza	Hunter	Waters
Clarke	Johnson, Sam	Whitfield
Cohen	Marchant	Wicker
Davis, Jo Ann	McCauley (TX)	Wilson (OH)
Davis, Tom	McCreery	Wynn
DeFazio	Miller, George	
Diaz-Balart, L.	Nunes	

## □ 1906

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

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

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

## PARLIAMENTARY INQUIRY

Mr. SHADEGG. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. As I understand the ruling of the Chair, it is appropriate for me to say I support the gentleman's amendment because I do not support cuts in skilled nursing facilities or cuts in rehabilitation facilities or cuts in long-term care hospitals or cuts in oxygen, or cuts in brachytherapy, or cuts in end-stage renal disease or cuts in Medicare Advantage; but that I cannot say which appear in their SCHIP bill. Is that correct?

The Acting CHAIRMAN. It is permissible to identify as preferable an alternative object for funding. It is not permissible to dwell on the merits of that alternative object.

The gentleman may proceed.

Mr. SHADEGG. I thank you very much for your ruling.

Madam Chairman, I do rise in support of the gentleman's amendment. I believe that we have to find the funding necessary for essential government programs and that cutting the Secretary of Agriculture is much better than cutting such programs as skilled nursing facilities, rehabilitation facilities, long-term care hospitals, oxygen under Medicare, brachytherapy under Medicare, end-stage renal disease funding under Medicare or Medicare Advantage.

For those reasons, I rise in strong support of the gentleman's amendment.

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

## MOTION TO RISE OFFERED BY MR. HOYER

Mr. HOYER. Madam Chairman, I intend to ask for unanimous consent

after the motion that I make and we rise, and then I will make a statement on the schedule that I perceive to be in front of us for such time as it may take to complete the business of the people of our country.

I move that the Committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

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

## RECORDED VOTE

Mr. GINGREY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 153, not voting 49, as follows:

[Roll No. 778]

## AYES—235

Abercrombie	Faleomavaega	McDermott
Ackerman	Farr	McGovern
Altmire	Fattah	McIntyre
Andrews	Filner	McNerney
Arcuri	Frank (MA)	McNulty
Baca	Giffords	Meek (FL)
Baird	Gilchrest	Meeks (NY)
Baker	Gillibrand	Melancon
Baldwin	Gillmor	Michaud
Barrow	Gonzalez	Miller (NC)
Bean	Gordon	Mitchell
Becerra	Green, Al	Mollohan
Berkley	Green, Gene	Moore (KS)
Berman	Grijalva	Moore (WI)
Berry	Gutierrez	Moran (VA)
Bishop (GA)	Hall (NY)	Murphy (CT)
Bishop (NY)	Hare	Murphy, Patrick
Blumenauer	Hastings (FL)	Murtha
Bonner	Herseth Sandlin	Nadler
Bordallo	Higgins	Napolitano
Boren	Hill	Neal (MA)
Boswell	Hinojosa	Norton
Boyd (FL)	Hirono	Oberstar
Boyd (KS)	Hobson	Obey
Brady (PA)	Hodes	Olver
Brown, Corrine	Holden	Ortiz
Brown-Waite,	Holt	Pallone
Ginny	Honda	Pascarell
Butterfield	Hooley	Pastor
Capps	Hoyer	Payne
Capuano	Inslee	Perlmutter
Carnahan	Israel	Peterson (MN)
Carney	Jackson (IL)	Pomeroy
Carson	Jackson-Lee	Price (NC)
Castle	(TX)	Rahall
Castor	Jefferson	Ramstad
Chabot	Johnson (GA)	Rangel
Chandler	Johnson, E. B.	Rehberg
Christensen	Jones (NC)	Rodriguez
Clay	Jones (OH)	Ross
Cleaver	Kagen	Rothman
Clyburn	Kanjorski	Roybal-Allard
Cohen	Kaptur	Ruppersberger
Conyers	Kennedy	Rush
Cooper	Kildee	Ryan (OH)
Costa	Kilpatrick	Salazar
Costello	Kind	Sánchez, Linda
Courtney	Klein (FL)	T.
Cramer	Kucinich	Sanchez, Loretta
Crowley	Lampson	Sarbanes
Cuellar	Langevin	Schakowsky
Davis (AL)	Lantos	Schiff
Davis (CA)	Larsen (WA)	Schwartz
Davis (IL)	Larson (CT)	Scott (GA)
Davis, Lincoln	Lee	Scott (VA)
DeGette	Levin	Serrano
Delahunt	Lewis (GA)	Sestak
DeLauro	Lipinski	Shea-Porter
Dingell	Loeb	Sherman
Doggett	Lofgren, Zoe	Shuler
Donnelly	Lowey	Sires
Edwards	Lynch	Skelton
Ehlers	Mahoney (FL)	Slaughter
Ellison	Maloney (NY)	Smith (WA)
Ellsworth	Markey	Snyder
Emanuel	Marshall	Solis
Engel	Matheson	Space
Eshoo	Matsui	Spratt
Etheridge	McCarthy (NY)	Stark
Everett	McCollum (MN)	Stupak

Sutton	Van Hollen	Wexler
Tanner	Velázquez	Wilson (OH)
Tauscher	Visclosky	Wolf
Taylor	Walz (MN)	Woolsey
Terry	Waters	Wu
Thompson (CA)	Watson	Wynn
Thompson (MS)	Watt	Yarmuth
Tierney	Waxman	Young (FL)
Towns	Weiner	
Udall (NM)	Welch (VT)	

## NOES—153

Aderholt	Garrett (NJ)	Neugebauer
Akin	Gerlach	Pearce
Alexander	Gohmert	Pence
Bachmann	Goode	Peterson (PA)
Bachus	Goodlatte	Petri
Barrett (SC)	Granger	Pitts
Bartlett (MD)	Graves	Platts
Barton (TX)	Hall (TX)	Poe
Biggart	Hastert	Porter
Bilbray	Hastings (WA)	Price (GA)
Bilirakis	Heller	Pryce (OH)
Blackburn	Hensarling	Putnam
Blunt	Herger	Radanovich
Boehner	Hoekstra	Regula
Bono	Hulshof	Reichert
Boozman	Inglis (SC)	Renzi
Boustany	Issa	Rogers (AL)
Brady (TX)	Jindal	Rogers (KY)
Broun (GA)	Johnson (IL)	Rogers (MI)
Brown (SC)	Jordan	Rohrabacher
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Camp (MI)	Kirk	Sali
Campbell (CA)	Kline (MN)	Saxton
Capito	Kuhl (NY)	Schmidt
Carter	Latham	Sensenbrenner
Coble	LaTourette	Sessions
Cole (OK)	Lewis (CA)	Shadegg
Conaway	Lewis (KY)	Shays
Crenshaw	Linder	Shimkus
Cubin	LoBiondo	Shuster
Culberson	Lucas	Simpson
Davis, David	Lungren, Daniel	Smith (NE)
Deal (GA)	E.	Smith (NJ)
Dent	Mack	Souder
Diaz-Balart, M.	Manzullo	Stearns
Doolittle	McCarthy (CA)	Sullivan
Drake	McCotter	Thornberry
Dreier	McHenry	Tiahrt
Duncan	McHugh	Tiberi
Emerson	McKeon	Upton
English (PA)	McMorris	Walberg
Fallin	Rodgers	Walden (OR)
Feeney	Mica	Walsh (NY)
Flake	Miller (FL)	Wamp
Fortenberry	Miller (MI)	Weldon (FL)
Fossella	Miller, Gary	Weller
Fox	Moran (KS)	Westmoreland
Franks (AZ)	Murphy, Tim	Wilson (NM)
Frelinghuysen	Musgrave	Wilson (SC)
Gallely	Myrick	

## NOT VOTING—49

Allen	Doyle	Miller, George
Bishop (UT)	Ferguson	Nunes
Boucher	Forbes	Paul
Braley (IA)	Fortuño	Pickering
Buyer	Gingrey	Reyes
Calvert	Harman	Reynolds
Cannon	Hayes	Ryan (WI)
Cantor	Hinchey	Smith (TX)
Cardoza	Hunter	Tancredo
Clarke	Johnson, Sam	Turner
Cummings	Keller	Udall (CO)
Davis (KY)	Knollenberg	Wasserman
Davis, Jo Ann	LaHood	Schultz
Davis, Tom	Lamborn	Whitfield
DeFazio	Marchant	Wicker
Diaz-Balart, L.	McCaul (TX)	Young (AK)
Dicks	McCrery	

## □ 1928

Mr. BARRETT of South Carolina and Mr. PEARCE changed their vote from “aye” to “no.”

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. INSLEE. Madam Speaker, I was absent from the House floor during today's vote on H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, which will protect women against pay

discrimination and restore all employee's rights regarding nondiscriminatory pay. The legislation will reverse the U.S. Supreme Court ruling in *Ledbetter v. Goodyear* by putting into statute widely accepted rules in employment discrimination law. I strongly support federal protections against pay discrimination; therefore, had I been present, I would have voted for H.R. 2831.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mrs. TAUSCHER, Acting Chairman 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. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of informing the Members of the schedule for the week to come, for today and for tomorrow.

The SPEAKER pro tempore. Without objection, the gentleman is recognized. There was no objection.

Mr. HOYER. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, obviously, the American public sent us here to get its work done. Obviously as well, we have differences on what work we ought to be doing and what the substance of that work ought to be, and they expect us to debate that, and they expect us to have our differences, and then they expect us to resolve those differences through voting and moving legislation.

The Agriculture appropriation bill is on the floor. Mr. OBEY, myself, and Mr. BOEHNER had very long discussions about how we would consider the appropriation bills. On or about June 14, it was June 12 and 13 that we really discussed, we came to agreement. We came to agreement on how we would consider the appropriation bills, essentially the time frame that would be accorded to those bills, that we would have open rules on the appropriation bills, and that we would come to only unanimous consent agreements on the constraint of debate.

## □ 1930

Furthermore, we agreed that we would offer a rule the Monday following June 14 to provide for a point of order on items added to appropriation bills.

I believe that I have, as leader, done everything I said I would do.

On Monday, I offered a unanimous consent, a request to add to our rules the point of order that the minority felt important to protect its rights. That unanimous consent, obviously, was not objected to. It is now part of our rules.

Since that time, on 10 appropriation bills we have had open rules, as we said we would. The agreement, as you have heard me state before, contemplated that you would give us, on the minority side, essentially the same unanimous consents that we gave to you in an election year 1 year ago.

Notwithstanding that understanding, we have taken 50 hours longer to consider the appropriation bills since that time than we took last year when you were in charge and Mr. OBEY gave the unanimous consent. You've heard me complain about that because I thought that was not consistent with the agreement.

Notwithstanding that, we have proceeded on this floor with open rules, and the Agriculture appropriation bill has come to the floor with an open rule. The Agriculture appropriation bill has been on the floor for some, 4, 4½ hours, and we are not really considering the substance of the Agriculture appropriation bill.

I know there is upset on your side of the aisle, I say to my friends on the minority side, about another bill. But there was nothing in the agreement that said if you were upset with another bill that the agreement reached between Mr. BOEHNER and I and Mr. OBEY would not be honored. There was nothing that said that if we're angry about another bill that we will disrupt the appropriations process.

And, therefore, it is my perception, and I think, based upon the facts that everyone in this country has observed over the last number of hours, that my perception is the agreement has not been honored. I regret that.

I will tell you that I pride myself on honoring my agreements, even when it may anger my side of the aisle, because I believe that if we are to proceed in a civil way, in a way that we can trust one another, that is what we ought to do. Notwithstanding the extra 50 hours that we've spent, we were prepared to proceed.

Now, let me read just briefly, Mr. SHADEGG was on the floor just a little while ago and spoke. This is what Mr. SHADEGG said on the 14th:

“As I understand it, this”, meaning our agreement to move bills forward, “is an attempt to make sure that we don't waste time on dilatory tactics; that, rather, we proceed through these bills in an orderly fashion, but if someone has a substantive objection that should be accommodated. Is that correct?” Mr. SHADEGG asked me.

In response, the chairman of the Appropriations Committee stated, and I quote Mr. OBEY: “It is our hope that you will respond as we did in the minority by agreeing to reasonable time limits on each of those bills in return for that.” In return for that was giving reasonable time for substantive amendments.

Again, my friends on the minority side, you have had 50 additional hours above and beyond the time that we debated the bills last year when you were in charge.