at the State level and at the Federal level, and now we get the mandates of No Child Left Behind and we have another burden.

States right now are in their worst budget crisis since World War II, and they are struggling to cope with unfunded mandates, particularly in education. As a result, what is happening in Maine and around the country is that property taxes are going up. The burden is simply being passed down to the local property taxpayers. According to the State of Maine, 90 percent of the State budget is education, and in Maine municipalities between 50 percent and 75 percent of the municipal budgets are education. And we at the Federal level are simply making their burden much worse. This amendment is not intended to weaken the standards laid out in the No Child Left Behind Act. I joined with most of my colleagues on this side of the aisle, the bipartisan majority, in supporting the accountability standards in the No Child Left Behind Act, and we believe still that our schools will benefit from these standards, but only if they receive the promised money.

This amendment simply provides a respite during fiscal year 2004 for schools struggling to comply with the law without full Federal assistance. And let me just be clear about this. The way the amendment reads is that none of the funds made available in the act may be used to enforce any of the penalties under No Child Left Behind against municipal or State bodies if the Congress appropriates for this act less than $18.5 billion. That is the amount that was authorized to be appropriated. So if our appropriators do not fully fund No Child Left Behind, then this amendment provides that we cannot impose penalties on so-called failing schools. This amendment will be a real boon to States because they are struggling so much now with so many other needs and challenges in their budget, and this is one way of saying to them the Federal Government is not going to come down and impose penalties for failing to meet an education mandate that the Congress of the United States has not fully funded.

I urge my colleagues to support the amendment.

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

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the gentleman’s amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 minute.

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

This amendment is a sad attempt to return to the days of spending billions and billions of dollars and getting nothing in return. Since 1985, the Federal Government has spent over $300 billion in K through 12 education programs, and what have the results been? Zero. Nothing. And we worked in a bipartisan way on both sides of the aisle to bring real accountability to our schools to ensure that no child was left behind, and the agreement we made was that we would provide sufficient funding to put this into effect and we would work with the States to increase in title I two years ago, the $1.3 billion increase last year, the $666 million increase this year.

Or how about the almost $400 million that we have appropriated each of the 3 years to actually help the States implement the test, and the GAO came along and suggested a study on my behalf and others’ that said that the almost $400 million we are appropriating annually is sufficient money for the States to develop and implement the test.

What this really is is the first big step in the direction of making more excuses, more excuses why we cannot educate every child in America. We have been down this path before, and we have really been down the path the last 20 years. There have been all kinds of attempts to reform our schools over the last 20 years, and guess what happened? Somewhere along the way it got to be too tough. It got to be too difficult. “Oh, do not hold us accountable. And what happened? We have backed away every single time in virtually every single State.

The night that this bill was signed into law, I was over at Mount Vernon with the Secretary of Education, meeting with the 50 school chiefs from around the country who were charged with implementing this. I congratulated them on their service to education and the great commitment they were making to kids, and I talked about the heavy lifting that was going to be involved in implementing No Child Left Behind.

I also told them that, for the first time, do not come and ask the Federal Government for waivers. In the 1994 act, which many of the things that we called for in No Child Left Behind were enacted in 1994, in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act. Right now we are at the most historic moment of the Federal involvement in education. Right now all 50 States and the District of Columbia and Puerto Rico are in compliance with the new law. They were all required to have their State accountability plans in place and submitted to the Department by January, and the Department was to have all of them approved. And the Department of Education here in Washington sat down with virtually every State to work through their accountability plans and to work through that so that we were not unnecessarily upsetting anybody that was already happening in the States. There was an agreement and a celebration at the White House several weeks ago to celebrate this accomplishment of having all of the States in compliance.

Now, could we spend more money? Yes. Are the States in difficult times? Yes. But I want to ask all of you, are we going to blink again? We have already taken the course of the history of this country because it was too hard to educate all of our kids, and I, for one, and I think the President and I think my good friend on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), and TED KENNEDY in the other body have locked arms to say we are not going to blink. We are not going to blink. The lives of poor kids in our country who get shuffled from one grade to the next will continue as they are if we blink. We all know what happens in our local schools. They move them from one grade to another, whether they learn anything or not. Kids graduate that cannot read. And they cannot read their way to some point in America. Somebody has to stand up and say, enough is enough.

I would suggest to you that we are spending an additional $2.2 billion in the appropriation of elementary and secondary education programs. We are continuing to keep our commitment, and I would hope that my colleagues would stand up today and say, for the sake of these kids and the sake of poor kids in America, we are not going to blink again.

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

ANNOUNCEMENT BY THE CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members not to characterize the positions of Members of the Senate.

Mr. ALLEN. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, wherever I go in the State of Maine, the school districts that are in my district and across the country are not going to meet the cost of developing the test, though it is pretty clear that they do not have the money to do that. They are not looking just at the cost of developing the test, they are looking at the cost of how to operate the test, and they are also faced with teacher quality mandates that are a real burden.

The General Accounting Office has estimated that for fiscal year 2004, that the administration requested $390 million in education expenditures as estimated. What we are talking about here in different categories, and that is just one, is a failure of the Federal Government to meet the actual amount that our States and local municipalities have to spend.

Mr. Chairman, I yield 3 minutes to gentleman from Kansas (Mr. MOORE), who has worked with me on this amendment and who has other legislation pending along these lines.

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

More than 27 years ago Congress made a promise to our local school
boards and State school boards, and we said to the educators across our country, you take special needs children out of our hospitals and institutions and bring them into the public schools for education, and we, Congress, will pay 40 percent of the cost of educating those children.

The States and locals did. Congress did not. An unfunded Federal mandate, a promise made, a promise broken, and we are doing it again now.

I voted for the No Child Left Behind Act. I think it was the right thing to do. I want accountability in our schools, and I want to leave no child behind, and I want our schools to succeed. But when we place additional requirements on our schools without adequate funding, it is another unfunded Federal mandate, and we are short $6.15 billion this year.

Our educators, I talked to all of our school superintendents in our districts. We have some of the best schools in the whole country in my district, but they said, unanimously, we can do the job of educating our children, but we cannot do it without the resources when additional requirements are put on us.

That is what this is about. This is not about blinking. This is about educating our children and a promise made and a promise we are about to break again.

As the gentleman from Maine said, 48 of the 50 States are in a precarious financial position. They do not have additional money for funding. In fact, the Kansas Legislature this year was struggling to find adequate money for education in our State. And now we are talking about another unfunded Federal mandate.

It should not happen. If we do this, shame on us. If we do this, we are not taking care of the resources that we proclaim so often here are important to us, and those are our children. Our children are our future. We owe it all of this. If you look back over the last 6 years or so from some of us on this side of the aisle.

Several years later, the majority and the minority working together passed the No Child Left Behind Act. It contains many mandates on schools across our country. Three of the most important ones are these:

Third-graders through eighth-graders in every school and every town in the country are going to be tested every year on various subjects. That is mandated.

Another mandate is that by the 2005-2006 school year, every classroom must have a highly qualified teacher in that classroom teaching in field. Mandated.

Another important mandate is that if a school fails to meet what is called adequate yearly progress, we are responsible for coming up with tutors and remedial programs, after-school programs, various tools to help those children learn. Mandated.

Another important mandate is that para-professionals must have at least an associate’s degree or the equivalent thereof by some date certain, which will require a significant investment in the training and education of para-professionals. Mandated.

I support these standards and these improvements. I commend the majority and the President for writing them into the law. But the deal on No Child Left Behind was that if we are going to mandate these requirements, we would pay for them. The bill that is on the floor, by my count, is about $8 billion short of meeting those mandates.

What does this mean?

It means higher local school taxes around this country. In my State, it means higher property taxes to meet these mandates, number one. Number two, it means cuts in other services, because school districts with finite resources that must test these children every year, that must train teachers, that must train paraprofessionals, that must meet these other mandates are...
not going to have an endless well of tax dollars from which they can go back and raise this money. So they are going to cut other programs, whether it is the school band or the preschool program or guidance counselors or what was not in the agreement on No Child Left Behind.

The Allen amendment is very clear, and it is very wise. It says to this body, when you honor the agreement of No Child Left Behind, then the mandates will kick in. But if you dishonor that agreement, you will be troubled with it.

Now, if this were 1995, I would think that proposal would come from the other side of the aisle, because we heard it ad nauseam on environmental regulations, on land use regulations, on all kinds of things. The gentleman's principle is exactly right. We ought to support his amendment.

I would say to my federalist friends on the other side of the aisle, here is your chance to stand for the principles of local federalism.

I urge the adoption of the amendment.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. Moors) for a response to the preceding amendments.

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Cunninghan) for a response.

Mr. CUNNINGHAM. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas (Mr. Cuninham) to respond.

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. Peto).

Mr. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership and that of the gentleman from Kansas (Mr. Moore) for bringing this very important amendment to the floor.

Because indeed, I say to my colleagues, this amendment presents this Chamber with a moment of truth, a moment of truth as to whether this Congress will maintain its commitment to education, whether or not it will honor its promise to America's children contained in the Leave No Child Behind Act, and whether it is honest about what our expectations are of those children.

When the President signed the bill, he did so signing a bill that was bipartisan, bicameral in the support that it had; and people were quite excited about the prospect of the additional resources that would go to helping children to be accountable. Republicans talk about accountability, though, while failing to provide the resources necessary for children to meet the challenge.

Mr. Chairman, I call to the attention of our colleagues this report that I and the staff of the Committee on Appropriations have put out, the Democrats on the Committee on Appropriations have put out called "GOP Funding Bill Shortchanges America's Children By Underfunding Key Education Priorities." I just want to read a few provisions in this, and it will point out the tremendous need for the Allen amendment today: "The GOP bill shortchanges Title I," which is the subject of the Allen-Moore amendment. "Title I is the primary Federal program that helps school districts enrolling low-income children meet the next accountability mandates of the No Child Left Behind Act. To help raise the academic performance of these students, Congress has agreed to phase in the Title I payments. For fiscal year 2004, that payment would have been $18.5 billion and, yet, the GOP funding bill provides $12.35 billion. "As a result, under the GOP bill, America's children will lose $6.15 billion in Title I grants below the amount called for" in the No Child Left Behind bill. Over $6 billion in one title alone, depriving children, low-income children of the opportunity to be accountable.

In addition, the bill also shortchanges children with disabilities. On April 30, the Republicans passed the IDEA reauthorization bill. On April 30, the Republicans passed the IDEA reauthorization bill. It promised a $2.2 billion increase for IDEA grants in fiscal year 2004 to help local school districts educate children with disabilities. Everyone who has children with disabilities in their districts, and that would be all of us, knows the pressure on school districts to provide education and quality of access to children with disabilities. It is a very important priority for our country. Yet despite the rhetoric of the authorization bill of just April 30, the Republican IDEA bill, this bill, has less than half. Instead of $2.2 billion, it has a $2 billion increase for IDEA.

We all have heard the value of after-school learning opportunities for children, and so the No Child Left Behind bill did as well; and it authorized $1.75 billion for 2004 for after-school centers which provide safe places between 3 p.m. and 6 p.m. where children receive academic help and enrichment activities. Yet the Republican bill falls $750 million short of the necessary funding provided in the No Child Left Behind bill in after-school program funding below the level.

It goes on and on. In order to have quality education for our children, the No Child Left Behind bill authorized $3.3 billion for teacher-quality grants to the States which are used to provide high-quality professional development to teachers. Yet the GOP bill freezes funding at $2.9 billion. As a result, teachers will lose $350 million in teacher-quality grants below the level called for in the No Child Left Behind Act.

My colleagues get the picture. Over and over again, children, millions of children are being left behind.

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. Peto).

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. Moore) for a response to the preceding amendments.

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. Peto).

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. Moore) for a response to the preceding amendments.

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. Moore) for a response to the preceding amendments.

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

I want to respond just very briefly to the statement that the gentleman from California (Mr. Cunningham) made. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are deployed. But if not, it is another unfulfilled Federal mandate. Shame on all of us if we do that this time.
teachers, these parents, these school districts cannot possibly measure up and be accountable without the money to match the mandate that we called for in the No Child Left Behind Act.

The tragedy of it all is that this is not really a new dynamic, this is not new competition to the tax breaks which are the priorities for the Republicans in this Congress. And sadly, there is not any tax break that the Republicans can come up with, no R&D tax credit at this time, which I fully understand; but nothing that the Republicans can name in terms of tax cuts does more to grow the economy than the education of the American people. Early childhood education, K through 12, higher education, postgraduate education, lifetime learning for our workers. Nothing is more, to use their word, “dynamic” for the economy, brings more money into the economy, brings more money into the public Treasury than investing in our children. Nothing is more important.

But that is exactly a practical matter. Let us talk about their self-fulfillment, the confidence that they have to go forward and to be leaders in our country. They are the future. They are worthy of that money. And that is why we want to make them more accountable. But we cannot mandate accountability to our children and yet not put the money there to match the mandate.

So, Mr. Chairman, I want to commend the gentleman from Maine (Mr. ALLEN), and I want to commend the gentleman from Kansas (Mr. MOORE) for this very brilliant amendment that they have brought to the floor to test the truth of the matter that the Republicans stand for educating our children. Is it just rhetoric, or are we ready to put up the resources to match that rhetoric?

I urge my colleagues to vote “aye” on the Allen-Moore amendment and to vote “no” on this very unfortunate legislation that is the base bill.

Mr. BOEHNER. Mr. Chairman, I yield myself the time that we have remaining.

Mr. Chairman, the amendment that we have before us is not about providing additional resources for our schools; it is about providing excuses for those who do not want to be accountable for our children to learn. To call this a No Child Left Behind unfunded mandate strikes me as strange, because this year, this year we will spend $24.2 billion of taxpayer money to help needy students around the country. And what No Child Left Behind here is we are going to continue to invest these massive amounts of money to help needy students, we ought to expect some results. After all, do children not deserve to learn?

As I said before, IDEA special ed funding increased 300 percent over the last 7 years. Title I spending has increased 200 percent over the last 7 years. And if we look at the increases over the current fiscal year and the last fiscal years, since President Bush took office, those increases in title I over the last 3 years were more than what we saw under 7 years of President Clinton’s title I increases.

So for people to suggest that we are not meeting our obligation to our local schools, I think is not being quite fair and honest with the facts. The fact is, since President Bush was elected, Congress has increased funding for elementary education, elementary and secondary education $13.2 billion. This is real money. So I would say to my colleagues, No Child Left Behind is the last really serious attempt that is ever going to be made to ensure that all kids get a chance at a decent education in America.

We have blinked. We have blinked. We have had excuses. We have had excuses, and we have had more excuses why we cannot educate all of our kids. And I just want to remind my colleagues of one point: It is not the child’s fault whose parents they were born to or that they lost the lottery of life in terms of which community they have grown up in. And I believe that we, as a society, owe them a chance at a decent education.

We know all kids can learn. The problem is, not all kids have the opportunity to learn, and No Child Left Behind makes that commitment, and the necessary resources are there to implement the law, and we should stand up for the kids and vote against this amendment.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

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

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

AMENDMENT OFFERED BY MR. OBEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Sec. 4. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (20 U.S.C. 213) that were in effect as of July 11, 2002.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

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

Mr. Chairman, we have agreed on the committee that we will each limit ourselves to 10 minutes in the interest of trying to get Members out of here.

Mr. Chairman, the Department of Labor is planning to change the regulations for overtime pay of white-collar workers. They would make 1.4 million workers earning less than $22,000 a year eligible for overtime pay. That is a much needed adjustment which we support, but if the administration gets its way, an estimated 8 million workers would be ineligible for overtime because of changes in the rules. These include many of our first responders, firefighters, law enforcement officers, emergency medical technicians who will no longer be eligible for overtime pay because the Bush administration is changing the definition of who is being covered by the Fair Labor Standards Act.

This amendment would stop the administrations from making those unprecedented change to the Fair Labor Standards Act by revising the regulations. It would save overtime pay for millions of working families. I am offering the amendment on behalf of my colleagues from California (Mr. GEORGE MILLER).

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

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

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 15 minutes.

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

Mr. Chairman, this proposal would eviscerate what the Secretary is trying to do. I think for the membership they should understand that the Secretary’s rules would have given a million workers access to time and a half that do not now have it, and it would limit some of the white-collar type of workers to not getting the time and a half under the existing rules. And for this reason we think that the Secretary’s rules stand as is, rather than adopt this amendment. I think we should leave the Secretary’s rules stand as is, rather than adopt this amendment.

I think the rules would make management of the enterprise more effective and more efficient and would certainly be fair to everybody. Therefore, I think we should leave the Secretary’s rules stand as is, rather than adopt this amendment in an attempt to second-guess what the Secretary is doing in putting these rules in place. I would urge a vote against the amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. Chairman, earlier this year the Bush administration initiated a process that is going to take hundreds of
millions of dollars of hard-earned pay out of the pockets of American families. For years these men and women, among them first responders like firefighters, police, nurses, emergency workers, have long qualified for overtime pay when they worked more than 40 hours a week. For most of those men and women, that overtime pay is not spare change or for frivolous spending. It is essential family income necessary to pay the mortgage, to keep their children in school, to pay college education and to save for retirement. Overtime is not a luxury. It is a necessity for many American families, because tragically millions of our American families cannot survive economically on working only 40 hours a week. In fact, many workers who earn overtime derive 25 percent of their annual income from the extra hours on the job.

But what would the Bush administration do? The Bush administration wants to strip these workers of the eligibility to be paid overtime by playing with the definitions of eligibility. According to one study, that would take away the overtime from almost 8 million people who today are qualified. All our work is to say you cannot take them away from people who today are qualified. You can expand it, as the Secretary says she wants to do. You will work, but you will not get the overtime pay under this rule. Congress did not approve it. In fact, we have not even had a hearing on the overtime rule, not a minute's worth of debate. The Republicans say they dispute the findings of the Economic Policy Institute study. Well, let us have a hearing and talk about it before we penalize millions of American families.

Now, this amendment we are debating allows us to have that review. The Obey-Miller amendment tells the Secretary not to issue any regulation that would take away the overtime pay. This is an opportunity to show America where we stand. If you defend the right of people to continue to earn the wages that they have earned to avoid suffering precipitous loss in income for doing the exact same job they have been doing for years, then you will vote for this amendment. There is a reason they are trying to cut overtime pay through the bureaucratic administrative rule instead of coming out and having a public debate. That is because they do not want the debate. They do not want to defend what they are doing. Today you will have to defend what the Department is doing because the Department of Labor is threatening millions of dollars worth of income to working American families. It is not enough that this administration and this House have presided over the loss of 3 million private sector jobs since September. It is not enough that the Department of Labor and Republican leadership in this House have forced millions of working Americans to remain in poverty by refusing to consider, even consider, raising the minimum wage. Is it not enough that they have denied unemployment compensation for millions of people who could not find jobs because of the desperate state of the economy? Is it not enough that they deny working families a fair tax cut for the same thing, while showering hundreds of billions of dollars on wealthy Americans?

Now, let me ask you this: Is it really necessary now to assault even those people who still have a job today, who are working hours that could qualify them for overtime, who need the overtime pay, that they would come along now with this administrative rule to strip them, to strip them of that overtime pay when they work long hours at difficult jobs and time away from their family, and they do it at the request of their employer? This is not this abstract case. Janice Murphy, who is an equipment specialist for the Navy's ship systems engineering in Philadelphia, 29 years of experience, but under this regulation, because she has all of that experience, she would be ruled as somebody having on-the-job training, learned professional, so she would not get overtime pay as the employee who gets hired yesterday gets paid one rate and for the same job. The Department has undertaken an important effort to update these complex, decades-old regulations that define overtime exemptions for white-collar employees in the administrative, executive and professional employee classification. They should be commended for their efforts thus far. However, the proposed regulations which have not been substantially changed in 54 years are complex, confusing, and make it next to impossible for workers to know whether they are entitled to overtime, for employers to know how to pay their employees. The Labor Department to enforce these workplace regulations. They simply do not meet the needs of today's 21st century workforce.

The Department has undertaken an important effort to update these complex, decades-old regulations that define overtime exemptions for white-collar employees in the administrative, executive and professional employee classification. They should be commended for their efforts thus far. Let me suggest that these proposed DOL regulations will provide additional protections to low-income workers and ensure that they are entitled to overtime pay. It is unacceptable that today's outdated regulations require someone earning as little as $8,060 a year to qualify as a white-collar employee and, therefore, prevent them from receiving overtime pay. The proposed changes would enable a worker earning $35,000 to $22,100 annually, and ensure that any one earning less than $22,100 a year would automatically be entitled to overtime. Lower-income workers deserve these protections, and the DOL suggestions would help provide them.

Congressional Record — House H6569

Mr. NORWOOD. Mr. Chairman, I just simply rise in very strong opposition to this amendment which basically prevents the Secretary of Labor from implementing regulations to update complex, and I do mean the word complex, outdated, and I do mean the word outdated, wage and hour regulations...
and provide additional protections to millions of this country’s lower-income workers.

Numerous hearings have been held by my Subcommittee on Workforce Protections, and I mean numerous, and that has led not only me, but also my colleagues to reject what I consider a distortion of misinformation, downplaying the need for updates to the current regulations in order to meet the needs of today’s workforce, not an 80-year-old workforce.

The regulations, if adopted, will guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and clarify existing overtime rights of 30.7 million workers. For the first time in decades, 20 percent of the lowest-paid workers in America would be guaranteed overtime pay. Now, if that is what is written on my paper, because, I think, have done the right thing for many Americans.

I support these regulations. The Secretary should be commended on a job well done and for bringing an 80-year-old law into line with the realities of today’s workforce.

Some will try to say that we can have it both ways. Some will say that all we do by voting for the Obey-Miller amendment is to protect overtime for current workers, but still allow the Secretary to simplify and clarify these regulations. That is simply not true. It is just plain wrong.

The Obey and Miller amendment will only worsen the confusion of current wage and hour laws by freezing in place today’s complicated and outdated system of inconsistent wage and hour laws. It should come as no surprise that in the last several years class action overtime lawsuits have become the fastest-growing category of employment litigation. The only winners under this amendment are the trial lawyers who have lined their own pockets with the “gotcha” class action lawsuits.

The Obey-Miller amendment does nothing to clarify the complicated and outdated rules governing overtime. In fact, I believe it makes the problem worse by creating two classes of employees, some who get overtime and some who do not, even if they are doing the same job for the same employer. Try explaining that to an employee or a colleague wanted to make life more difficult for single mothers, for women trying to work their way through school, for women trying their hardest to scrape by for themselves and for their children, they could hardly do (Mr. de LAURO).

MS. de LAURO. Mr. Chairman, if my colleagues wanted to make life more difficult for single mothers, for women trying to work their way through school, for women trying their hardest to scrape by for themselves and for their children, they could hardly do (Mr. de LAURO).

Mr. de LAURO. Mr. Chairman, in my district, the commuters who take the Orange Line to Boston every day, work from 6 a.m. to 7 a.m., and they are not even guaranteed overtime pay, even though they are working 50 hours a week. And I would remind Members that under the order of the House, the gentleman from Ohio (Mr. REGULA) has 5 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. Under the Obey amendment, the gentleman from Ohio (Mr. REGULA) has 7 minutes remaining and the right to close, and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is interesting, they talk about everything except this amendment. This amendment does nothing to prohibit the Secretary from expanding overtime to those who may now not be required, but what it does not do is it does not let the Secretary grandfather, if you are hired the day before, doing the exact same job, but if you were hired the day before, if these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNERT).

Mr. BOEHNERT. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day after, you are not grandfathered, and so you would have two employees sitting side by side in millions of families by making the same identical work being treated differently under the law. I do not think that is what this Congress wants.

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

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me the time.

Under this rule, a person who makes $25,000 a year and works in the shoe department of a retail store who spends most of her day selling shoes, who is able to watch two people who also sell shoes and keep records on them, but not have the right to fire them, not have the right to supervise them, that woman making $25,000 a year will not get time and a half if the employer says she has to work more than 40 hours a week. That is wrong.

If my colleagues vote for the Obey-Miller amendment. Under this rule, the 40-hour workweek is a fundamental in this country, and we will not lose it.

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

Supporters will tell my colleagues that in lieu of overtime pay, workers will be given compensatory time, but employers have the right to decide when or if the worker gets the time to take his time.

It puts the way for mandatory overtime. Working women will lose control of their schedule. Any mother with a child knows, in child care, if you work late, you need to make arrangements in advance or you pay higher fees for child care. Without proper protections for these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNERT).

Mr. BOEHNERT. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before, if these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNERT).

Mr. BOEHNERT. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before, if these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNERT).

Mr. BOEHNERT. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before, if these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.
Mr. CROWLEY. Mr. Chairman, right now the Bush administration is in the process of promulgating regulations that would strip overtime pay for many of America's first responders. Yes, after talking tough and continually saying to the White House and Republican Party supports America's first responders, the Bush administration and the Republicans are trying to pass into law regulations that will deprive millions of Americans, including police and firefighters who receive 50 percent or half for that overtime work today, less money for their jobs protecting us.

No one enters law enforcement or becomes a firefighter for the money, but this proposal by my colleagues would suggest so. As a Congressman from New York City whose district overlooks Manhattan, as someone who is the son of a police officer, the cousin of several firefighters, and whose spouse is a nurse, I know firsthand the needs of our responders in protecting our country from terrorist attacks and keeping us safe.

This bill continues this administration's and this Congress' past record of shortchanging cops and firefighters while pretending to stand with them. But do not listen to me or the Democrats or the Republicans or the White House. Ask your local first responders if they think they are overpaid and underworked. Did they ask for this bill? I don't think so.

If you think they are, if you think your cops and your firefighters are lazy and overpaid, oppose the Obey-Miller amendment. I do not think they are. I will wholeheartedly support this amendment.

Mr. OBEY. Mr. Chairman, how much time do we have remaining under the reduced time for each side? The CHAIRMAN pro tempore. Under the agreement, the gentleman from Wisconsin (Mr. Obey) has 5 minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining. Mr. OBEY. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, let me just say, once again, the gentleman from Ohio tried to suggest that this is going to create two classes of people. This just protects everybody who gets overtime today do anything tomorrow.

They say if you get hired tomorrow, well, let me tell you in the Bush economy, nobody is getting hired tomorrow. People are getting laid off tomorrow. Okay. They are not getting hired, so that is not true.

Secondly, let me say for first responders, you are talking about people from homicide detectives, you are talking about EMT, the people we expect to respond to these sites, to firefighters. So my first responders wrote objecting to this amendment that the Department of Labor sent out a letter and said, that is not our intent. They said, then exempt us from the regulation.

They said we will not do that. So it is not their intent to include them, but they will not take them out of it. You are talking about half a million first responders who will go out on Code Orange and will get no protection of overtime pay.

Your party, your choice, your vote. Mr. REGULA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Tennessee (Mrs. BLACKBURN).

(Mrs. BLACKBURN asked and was given permission to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Chairman, I submit to the RECORD some information from the National Federation of Independent Business relating to a poll that they conducted and some thoughts and opinions from their members on this issue.

Mr. Chairman, I rise today in strong support of what the Department of Labor is trying to do on Section 541 overtime regulations. There is a lot of confusion in the community right now on how to deal with employee overtime, in large part because these regulations were last revised in 1954.

I would like to share with my colleagues some very important survey data that makes the point that employers are confused with overtime regulations. Last month the National Federation of Independent Business Research Foundation released fresh data from their National Economic Poll in which they asked 750 small businesses:

"How do you determine if a specific employee who works more than 40 hours per week should receive overtime pay? Do you...

Follow common industry practice—19.3 percent.
Classify each job by occupation and earnings (the legally correct way)—5.9 percent.
Make only hourly-wage employees eligible—18.9 percent.
Make only low-paid employees eligible—0.3 percent.
Make everyone but management employees eligible—8.1 percent.
No employees work overtime—33.5 percent.
Everyone who works overtime is eligible—11.2 percent.
Didn't know—2.9 percent.

Mr. Chairman, this survey sheds critical light on the views of small business owners—this proves that small business owners don't really know how to properly classify their employees for overtime purposes.

It's time to simplify the regulations. It's time to vote "no" on the amendment and let the rulemaking process move forward.

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

I would only say to my colleagues I think we need to reject this amendment. It is premature. These are proposed regulations. There is plenty of time for comment, and it is a recognition on the part of the Department of Labor that the 1 million low-paid workers today that have no opportunity to get time and a half will have that opportunity, and therefore, I would want this amendment rejected to give them that kind of a chance.

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

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

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

The question is on the amendment offered by the gentleman from Wisconsin (Mr. Obey). The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

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

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I rise to ask the gentleman to engage with me in a colloquy.

I am pleased to have worked with the gentleman on the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies for the last number of years. I appreciate his support for and commitment to programs that benefit historically black health profession schools.

I understand that this year there are significant challenges facing the subcommittee. However, I want to note two priorities that I am working to establish. The first is regarding the establishment of demonstration projects between community health centers and minority health professions schools for the purpose of health status disparity research and data collection, through the community access program.

Community health centers have the potential to serve as valuable resources in biomedical and behavioral research aimed at reducing health status disparities among minority and medically underserved populations. Such demonstration projects were authorized in the Health Care Safety Net Amendments of 2002.

The second is encouraging the National Center for Research Resources to give priority consideration to supporting extramural facilities construction projects at historically minority institutions which have developed a commitment to address the disproportionate impact of cancer in minority communities.

I have been working with Charles R. Drew University of Medicine and Science in Los Angeles to ensure that resources are available to establish a center focused on care for minority cancer patients and research.

Mr. Chairman, as we work towards the final passage of the fiscal year 2004...
In order to earn that pay, they spend many hours away from their homes and families. The Obey/Miller amendment will help to ensure that theirs is not simply a sacrifice that enriches their employers while doing nothing for themselves. It will help ensure that America's workers receive that to which they are entitled. Under the Obey/Miller amendment and I ask that my colleagues on both sides of the aisle join me in doing so. We should show bipartisan support and pass this amendment.

Mr. WOOLSEY. Mr. Chairman, I rise in support of the Obey/Miller Amendment, which would protect millions of workers from losing their overtime pay.

If the Bush Administration's proposed changes take effect, 79 percent of the workers in this country will lose their guaranteed right to overtime pay, 79% (8 out of every 10 workers). This is not just bad policy, it's piracy. It is a slap in the face to any effort for economic recovery. Mr. Speaker, how many CEO's do you know who would work without their pay? Under the Bush Administration's proposal, workers will be forced to work long hours—indeed, probably longer hours, without overtime compensation. That's why the Obey/Miller Amendment ensures that "no" public funds can be used to take away the overtime rights of workers.

It is tough on the working families that are forced to spend long hours away from their families to earn a living, and commute long distances, now under this bill they won't even be compensated for their extra time. Join me in voting for this amendment to make certain that workers are not short-changed by the Bush policies.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Obey-Miller amendment. Mr. Chairman, overtime pay, strict regulations on child labor, occupational safety standards, and employee training are the nuts and bolts of our Nation's labor laws. Yet, since day one, this administration has worked little by little, step by step, to unravel our gold standard protections.

First, the Department of Labor passed on the opportunity to institute strong ergonomic standards and, instead, chose to implement weak guidelines—leaving many to continue working under egregious, unsafe conditions.

The administration has repeatedly submitted budgets that have not provided Department of Labor programs with inflationary increases. In turn, many of our safety enforcement programs and worker protection efforts have been diminished.

And now, the administration is attempting to strip precious dollars from those who are already working in factories and in coffee fields that are notoriously underpaid and often understaffed, including licensed practical nurses, EMTs, air traffic controllers, social workers, occupational therapists, physical therapists, health technicians, and paralegals.

My colleagues, this proposal would have real consequences for the millions of hard-working Americans already working to send their children to college, the millions of Americans trying to buy a home, and the millions of Americans trying to save for retirement.

In New York, everywhere I go, town supervisors, police officers, small local leaders are discussing massive tax increases. All around the country, colleges, and universities are substantially raising tuitions. The reality is—Americans are already feeling squeezed. Let's not make it worse by sending them home with a blank check.

Vote "yes" on the Obey-Miller amendment. Ms. WATERS. Mr. Chairman, I rise in support of the Obey/Miller Amendment.

Since this Administration has taken office, over 3 million people have lost their jobs; the unemployment rate is at its highest levels in 9 years. Yet to add insult to injury, the Administration is now proposing a regulation that would cut overtime wages to as many as 8 million Americans.

I urge my colleagues to support the Obey/Miller amendment which would prohibit the Department of Labor from using funds to carry out this appalling regulation. Too many Americans depend on overtime pay in order to make ends meet. We must not take it away from them.

This Administration has no shame. They continue to push their "Big Business/Special Interest" agenda at the expense of the working Americans that make this country great. Perhaps this helps explain why this bill is lacking adequate funding for so many programs that Americans depend on.

The Chairman and Ranking Member have worked to craft the best possible with the terrible cards they were dealt by the unfair and irresponsible Republican Budget Resolution. But the truth of the matter is, the President and the Republican leadership have decided that tax cuts for the few are more important than programs for the many.

They decided that to provide an average of $88,000 in tax cuts for those earning $1 million or more is more important than increasing enrollment in Head Start, increasing Pell Grants, fighting the AIDS virus, funding medical research adequately or a host of other important programs.

Time will not permit me to discuss all of the many problems with this bill, such as the inadequate funding for the NIH and for the Social Security Administration to process claims from retirees, so I'll just focus my comments on one problem: the immoral neglect of the Head Start program.

Mr. Chairman, additional funding for Head Start should be a "no-brainer." There are few, if any, programs that have the success rate of Head Start. Government reports, early childhood experts, teachers and most important families all recognize the magnificent results Head Start has produced.

There are many keys to the program's success: from the small child staff ratios, to the nutritious meals the children receive each day, or the doctor visits that each child is afforded. However, one of the most important factors in Head Start's success is the way that the child's parents are included in the educational process. We all know that parents are children's most important teachers and involving parents in their children's education is strongly related to children's achievement in school. Head Start capitalizes on that relationship.

The only thing that is missing is the Head Start program back today is the lack of funding. Today, only 60 percent of eligible students are able to enroll in Head Start; only 4 percent of eligible Early Head Start and 19 percent of the eligible Migrant and Seasonal Head Start of children are enrolled. This is much too low. The lack of funding of children's side-lines, waiting to benefit from Head Start. We should make every effort to enroll these children to enroll.
Yet, look at how this bill treats Head Start. The President asked for an increase for Head Start of only $140 million. This bill provides a $148 million increase. Mr. Chairman, the $148 million increase is not even enough to keep pace with inflation. It certainly is not enough to sign up new children in the program, nor will this paltry increase enable Head Start to ensure that its teachers and volunteers are properly trained.

Mr. Chairman, in today's economy, education is the key to success. The sooner that we get children excited about learning the better off they will be. Head Start has an exceptional track record of success in getting children excited about learning.

Mr. Chairman, I urge my colleagues to support Head Start. It works. We must provide the funding that it deserves and needs to extend its benefit to all eligible children. We can and must do better than this inadequate bill.

I urge my colleagues, for the sake of our children, our families, our seniors, our working people, to vote yes on the Obey-Miller amendment to protect workers' overtime pay and then vote no on this bad bill.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. OBEY and Mr. MILLER, which will block the Department of Labor from pursuing its plan to overhaul our overtime pay laws—the expense of 8 million workers. Under these draft regulations, millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money.

The implications of this measure on working families that have long depended upon overtime work to make ends meet would be devastating. In fact, according to 2000 Census figures, workers who receive overtime pay report that it accounts for a quarter of their total take-home pay. Try telling these workers that enactment of these regulations wouldn't result in a pay cut!

Under these regulations, mid-level office workers, lower-level supervisors, licensed practical nurses, EMTs, cooks, secretaries, dental hygienists, air traffic controllers, social workers, support, engineering technicians, planners, and paralegals could all find themselves categorized as “white collar” employees. Now, does that sound right?

With unemployment at its highest level in almost a decade and far too many of my constituents telling me that they live in fear that their jobs may be next, why, on earth, is the Department of Labor launching this new attack on America's workers?

First proposed in March, the proposed regulations would reclassify millions of workers as “managers” that have long depended upon overtime pay to make ends meet. During the comment period on the proposed rule change, one hundred Members of this body wrote to the Labor Department, urging that these proposed changes be dropped.

In the same way that the Labor Department intends to move forward with these rules, despite the public outcry and the strong congressional objections, it looks like this body is going to have to use its “power of the purse” and put an end to this ill-conceived effort.

Mr. Chairman, the Department of Labor seems intent on picking up where the House Leadership left off. These rules are—quite simply—an insult to the working people of America.

Mr. Chairman, after the de facto defeat of the so-called “Family Flexibility Act” last month, it appears that the Department of Labor now plans to strip our overtime rules, on its own, without congressional involvement.

We have the opportunity today to tell the Department of Labor that the country will not stand for backdoor attempts at fundamentally undermining key labor laws. The economic security of far too many American families hangs in the balance.

Therefore, Mr. Chairman, I urge my colleagues to join me and vote in favor of the Obey-Miller amendment.

Ms. SOLIS. Mr. Chairman, I rise in strong support of the Obey-Miller amendment.

It baffles me that at a time when our economy is reeling that the Bush Administration would want to weaken the protections of workers fortunate enough to still be employed. Over 9 million Americans are currently unemployed. Unemployment in my district, in East Los Angeles and the San Gabriel Valley, is almost 10% in some areas. Why then would we want to cut pay for those workers that have jobs?

Under President Bush’s proposal, millions of workers who now enjoy overtime protection would no longer qualify for overtime pay. The changes would impact police, firefighters, nurses, retail managers, and many others. It would impact many of my constituents who have contacted me because they don’t want a pay cut.

Make no mistake about it. The proposed changes to our overtime regulations will mean a huge pay cut for these workers. It will mean longer hours with less pay.

I urge my colleagues to oppose paycuts for American workers and support the Obey-Miller amendment.

Ms. McCOLLUM. Mr. Chairman, I rise in strong support of the Obey-Miller Amendment.

Congress must protect the economic security of the workingmen and women who keep our nation safe and prosperous.

I've punched a time clock.

I've worked in retail sales to help support my family.

I know what it is like for families to rely on overtime to pay for their children's college fund or repairs on their homes.

America's hard workingmen and women deserve our support.

But this administration instead wants to deliberately cut the overtime pay of 8 million Americans.

Under the Bush Administration's rules, working people, including police officers, firefighters, and nurses will lose overtime compensation—as much as 25 percent of their salaries.

This cruel attack on working families demonstrates the true compassionate conservative values of this administration—tax cuts for the wealthy and salary cuts for working people.

Today, Congress must protect the economic security of workers rate.

Support the Obey-Miller amendment today.

Mr. KUCINICH. Mr. Chairman, it's been a very tough year for the American worker. Astonishingly, it appears the Administration is attempting to make things even tougher.

Already, the Administration is presiding over the highest unemployment rate since April, 1994. Already the median unemployment duration of 12.3 weeks is the greatest length it has been since July of 1967. And already, 3.1 million private sector jobs have vanished since the recession began in March 2001.

The Administration's three pronged response to this jobs crisis has been to allow millions of working Americans to remain in poverty by refusing to raise the minimum wage to depict unemployment benefits to millions of Americans who have exhausted their benefits because of the severity of this recession, and to provide hundreds of billions of dollars in tax giveaways for the richest Americans.

As if all of this was not enough, the Administration now seems intent on literally picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off—at the employer’s discretion. Now through administrative action and without the input of elected representatives, the Administration seeks to enact the most significant change to overtime rules since the Fair Labor Standards Act was passed in 1938.

The result of these changes is that at least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects. In 2000 overtime pay accounted for about 25 percent of the income for these families. The proposed changes would no longer qualify for overtime pay. The Administration plans to strip our overtime rules, on its own, without congressional involvement. The economic security of far too many American families hangs in the balance.

The Obey-Miller amendment will stop the rollback of overtime pay. Obey-Miller will protect the wages of America's working people.

Stop the legalized pick-pocketing of America's workers by the Administration's attack on overtime pay for overtime work. Vote for the Obey-Miller amendment.

Amendment offered by Mr. TOOMEY.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

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

SEC. . None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD03669, R01HD052005, R01DA013896, or R01MH065871.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

MODIFICATION TO AMENDMENT OFFERED BY MR. TOOMEY.

Mr. TOOMEY. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:
SEC. 3. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified offered by Mr. TOOMEY. At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 3. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01K24HD05271.

SEC. 4. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

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

Mr. Chairman, I think all of us in this Chamber have been faced with the painful visits in our offices from constituents who come to us with heartrending stories of a member of their family, often a child, who is suffering from a terrible and debilitating disease, perhaps a fatal disease, perhaps a disease for which there is no cure; and they come to us asking for some help, asking for funding for the research that might find a cure. And nobody has heard more of these heartrending and compelling stories than the distinguished chairman of this committee. I know he has devoted enormous amounts of time and effort to making sure the resources are there to help to try to find cures where it is possible.

I think we have all embraced the idea of significant increases in funding for NIH, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are much less worthy of taxpayer funds than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the fourth that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: "In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on testosterone-taking will be examined." Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transsexualism. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are drastically understudied and understudied that we have doubled funding for NIH, I have, and I think that is a bipartisan obligation in this Congress, to make sure the resources are there to help to try to find cures where it is possible. We leave it to the NIH to decide how to reprogram this. And as for those who somehow think that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the purse strings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the fourth that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: "In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on testosterone-taking will be examined." Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transsexualism. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are drastically understudied and understudied that we have doubled funding for NIH, I have, and I think that is a bipartisan obligation in this Congress, to make sure the resources are there to help to try to find cures where it is possible. We leave it to the NIH to decide how to reprogram this. And as for those who somehow think that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the purse strings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the fourth that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: "In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on testosterone-taking will be examined." Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transsexualism. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are drastically understudied and understudied that we have doubled funding for NIH, I have, and I think that is a bipartisan obligation in this Congress, to make sure the resources are there to help to try to find cures where it is possible. We leave it to the NIH to decide how to reprogram this. And as for those who somehow think that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the purse strings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the fourth that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: "In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on testosterone-taking will be examined." Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transsexualism. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are drastically understudied and understudied that we have doubled funding for NIH, I have, and I think that is a bipartisan obligation in this Congress, to make sure the resources are there to help to try to find cures where it is possible. We leave it to the NIH to decide how to reprogram this. And as for those who somehow think that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the purse strings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

Mr. Chairman, I reserve the balance of my time.
Mr. TOOMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. CHOCOLA), the cosponsor of this amendment.

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me this time. I would appreciate his remarks and would like to associate myself with his earlier remarks.

With all due respect to the distinguished chairman and to the peer review process, I think this amendment is really a step up to an outmoded responsibility that we are really sent here to do, and that is to be a good steward of taxpayer dollars.

Now, not only does the appropriations fund grants that the gentleman from Pennsylvania (Mr. TOOMEY) mentioned, it also funds a grant that studies human linkages with the panda reserve in China. Now, I do not think I am going out on a limb to say that no one in the Second Congressional District of Indiana is going to benefit from this study. I doubt I am taking too much of a risk to say no one in any congressional district in America is going to benefit from this study.

Mr. Chairman, I come from a business background, and I am a new Member of Congress when someone in our company wanted to spend money, we had to take the ultimate responsibility. And although the peer review process is probably pretty good, there comes a time when you have to say no, when you have to say this money is not spent in the best interest of the American people.

Since I do not know that we can identify people who benefit from this taxpayer money being spent on these grants, do I know, as the gentleman from Pennsylvania pointed out, the people in my district have juvenile diabetes, they have cancer, they have AIDS, they have horrible diseases like Crohn's, and that is what we should be spending our money on. We have a responsibility to eradicate these horrible diseases that ruin families, ruin individual lives rather than grants that really benefit no one that we can identify.

So I urge my colleagues to adopt this amendment.

Mr. TOOMEY. Mr. Chairman, may I inquire as to who closes in this process.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has the right to close.

Mr. TOOMEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time, and with all deference to the distinguished chairman who have spoken here, I think that we do need to speak out at this point.

I have been concerned about this for a while. I sent a letter recently to NIH asking that they explain their decision to fund this study. I am not covered here, it is another study, that paid women to watch pornography and to study arousal. The letter I received back was interesting. The NIH said, "The research methods used in the grant were scientifically established and met ethical research standards."

Now, I do not doubt that at all; but that is not the standard that we ought to employ here. The standard we ought to employ is this a proper use of taxpayer funds, and I think on that level it surely fails.

I do not know how in the world, when we do not have enough money to fund things like the reaction of children to vaccines for childhood autism, that is one request we denied because NIH came back and said we do not have sufficient money to do that, that is a serious disease affecting a lot of people. So we do not have enough money to do that; but then, in turn, we have enough money to fund a study on so-called sexual arousal. The letter I received said, "I think that is wrong."

The chairman noted there is peer review. Certainly there is. Again, the question we need to have answered is not whether this is scientifically based or reviewed, but is it proper for the taxpayers to fund. I would suggest that there is a lot of funding available out there from people like Larry Flint or others, but we should not be asking the American taxpayer to fund this kind of thing.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly stand opposed to this amendment, but I understand why my colleagues want it. I do not think there is a thing in there I would support if asked to support, but I will say that I have hundreds of doctors and hospitals and ask me to come every single day and ask me to direct NIH to do this or that. I personally believe that things and discoveries should be left up to NIH, that when something is working, we should allow them to do that.

But once we get into politicians, which we all are, directing what NIH does, it is not what you are trying to eliminate, it is the whole broad perspective of what we could do in the long run. In the past, many of the diseases were politicized, and funding was taken totally away from others, and I want to stay away from that. I think it is a bad precedent, not on the gentleman's issue, but on the precedent of directing NIH. I reluctantly oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, years ago Senator Proxmire from my State used to have the Golden Fleece Awards. He was a good friend of mine. One year he made a whole lot of fun of a study on Polish pigs. They had a field day with it; they actually denied a grant. Well, guess what? That study led to the development of a new blood pressure medicine which millions of people use today. The know-nothings in the Congress at that time would have eliminated that study. I do not think that would have been a good outcome.

I have served on the subcommittee that deals with NIH for a long time, and the one thing I came to understand very quickly is that if we politicize NIH research, the day we decide which grants are going to be approved on the basis of a 10-minute horseback debate in the House of Representatives with 434 of the 435 Members of Congress at that time, that is the day we ruin science research in this country. We have no business making political judgments about those kinds of issues.

I would ask the following questions of the gentlemen who are offering this amendment: Can they tell me what score each of the grants received in the peer review process? Can they tell me who is on the peer review committee that causes a look at one of these in the study circles? Do you have objection to any of the persons who are on those study sections? I think the gentlemen have an obligation to answer those questions if they are going to bring something like this to the floor with no notice and no understanding of what these grants do.

Now, I would say that I do not have any idea what these grants do. I can imagine, though, if I look on this study on so-called sexual arousal, that perhaps it is one way of trying to determine how you prevent child molestation or rape. I can also imagine with respect to the longitudinal study on sexual behavior of old men, NIH says this: "Without a better understanding of age-related changes in men's sexual functions, physicians may assume that declines in function are normal when they actually reflect early symptoms of disease such as diabetes and heart disease."

With respect to the study that relates to intervention for drug-using women sex workers, let us say you do not have any sympathetic of all for the sex workers or their partners. I am concerned about the innocent partners of those partners. What about the wives of persons who go to these sex workers and then wind up getting disease? I think we ought to know as much as possible how to prevent transmission of disease, and what role drug use has in that process.

So without knowing anything about these, I return to my basic principle: We need NIH for a reason; we need the peer review for a reason. I would rather trust the judgment of 10 doctors sitting around a table than I would 10 politicians sitting around a table when we decide how to allocate taxpayer money for these grants.

The reason NIH is there is so none of us bring our political biases to the table, and that is the way it ought to remain.

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

Mr. OBEY. I yield to the gentleman from Washington.
Mr. BAIRD. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman and dispute the comments of the gentleman from Indiana, and particularly the material he provided to his colleagues which said that I was for NIH panda research in China. In fact, the research has to do with population dynamics, the pressure on an ecosystem that supports the pandas, and the development of a population, including how those people can provide fuel and food for their children. It is a study of panda research; it is a study of human development.

There is a fundamental nexus between environmental quality, human health, and population pressures that impacts the world profoundly. The gentleman fails to recognize that and deceives his colleagues with the title of his amendment.

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

Let me say, we can read the entire application, and the projects do not sound any more compelling or any more convincing. The point is this is about priorities. There are just so many devastating diseases that are killing people every day in this country, and the NIH has to make these kinds of judgments. It is responsible for tremendous progress being made on so many fronts. I think we have an obligation to do as much as we can for those priorities.

Studying Asian prostitution in San Francisco massage parlors and the study of mood swings on sexual arousal does not strike me as deserving the attention that they have received. They spend a lot of time on these. They have 120,000 applications. They do the best job they can, and they have been successful. I would urge my colleagues to go to the authorizing committee if they feel there should be some different procedures and bring that to their attention as they review these panel activities.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

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

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

AMENDMENT OFFERED BY MR. OBEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment offered by Mr. OBEY. Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR STATE MAINTAINING COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under title XIX of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage point for each quarter in fiscal year 2003 if the standards established under Federal law for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage specified—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

(2) to the computation and application of the enhanced FMAP (described in section 2105(b) of such Act); or

(3) for any purposes other than payment to the State under title XIX of such Act.

(c) The increase in the Federal medical assistance percentage under subsection (a) shall be in addition to the increase provided under title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27).

(d) In the case an increase is provided under subsection (a) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for a calendar quarter in a fiscal year, the amounts otherwise determined for such territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) applicable to such quarter shall each be increased by an amount equal to 0.212 percent of such amounts.

(e) In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 18 percent.

The CHAIRMAN pro tempore. Points of order are reserved.

In response to the gentleman from the District of Columbia (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Here is what this amendment is all about. At a time when high unemployment is causing many Americans to lose their jobs and their job-related health coverage, States are leading States to cut back health coverage, Medicaid and SCHIP programs. According to the Kaiser Commission, 49 of the 50 States have implemented or are planning to implement cutbacks in Medicaid during fiscal year 2003. It is estimated that adoption of those cutbacks will lead to the elimination of health coverage for 1.7 million people. Many of them will be children.

This amendment would simply provide 1 percentage point added to the Federal assistance to every State for their Medicaid programs. To receive that additional aid, States would have to refrain from any further cutbacks in eligibility for children under both Medicaid and SCHIP and restore eligibility for children to the rules that prevailed on July 1, 2001. We would pay for the amendment by simply reducing the size of the tax cut for persons who make more than $1 million a year, from $372,000 to $200,000.

So the choice is simple. If you want to keep children on the health care rolls, if you want to make sure they are not knocked off the health care rolls in order to finance supersize tax cuts for people who make more than a million dollars, you vote for this amendment. That is what the amendment does.

Again, if the majority chooses to exercise its right to offer a point of order, then the Chair will simply state that the rules of the House will simply argue that we strike the enacting clause so that this bill may go back to the committee so we may have an opportunity
to offer an amendment which tries to prevent children from being knocked off the health care rolls. It is that simple. I would ask for a yes vote.

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

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

In the amendment, the bill is a tax or tariff measure and is in violation of clause 5(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, “An amendment to a general appropriation bill shall not be in order if it changes existing law. Clause 5(a) of rule XXI states in part, “A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.”

The amendment is clearly legislation as well as a tax or tariff provision, and is, therefore, in violation of the House rules.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. The motion offered by the gentleman from Wisconsin (Mr. OBEY) will be followed by the amendment proposed by the Senator. Carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.

The amendment is clearly legislation as well as a tax or tariff provision, and is, therefore, in violation of the House rules.

I ask for a ruling from the Chair.

Mr. OBEY. Mr. Chairman, I simply urge the Chairman not to insist on the point of order. If he does, I would concede the point of order and move on to the next motion I have already described.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

MR. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have already explained the motion and in the interest of saving time and also striking the last word to sum it up in the end, I am going to ask that Members vote to strike the enacting clause so that we can repair this bill in the manner I have just described. I hope they do that.

In the event that they do not, I am urging Members to vote no, because we do not believe that we ought to say to the country that we have room for $2 trillion in tax cuts, including an $88,000 tax cut for persons making over $1 million a year, but we do not have any room in the inn for children who need health care or need more help in Title I, for school districts who need more help on special education, and all of the others problems we have described today.

Mr. Chairman, I yield back the balance of my time.
Mr. HART and Messrs. DUNCAN, HEEFFLY, COBBLE, COLE and WICKER changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from West Virginia (Mr. RAHALL), the amendment offered by the gentleman from Maine (Mr. ALLEN), the amendment offered by the gentleman from Wisconsin (Mr. OBEY) and the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

These votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

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 210, noes 223, not voting 12, as follows:

[Roll No. 350]

AYES—210

Abercrombie

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

Bachus

Aberdeen

Ackerman

Alexander

Andrews

Baca

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

ANNOUNCEMENT OF THE CHAIRMAN

The CHAIRMAN (during the vote).

There are 2 minutes remaining on this vote.

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

THE CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. Obey) on which further proceedings were postponed and on which the noes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

THE CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were [aye] 210, noes 213, not voting 12, as follows:

[Roll No. 351]

AYES—210


NOES—213


The vote was taken by electronic device, and there were—ayes 210, noes 212, noes prevailed by voice vote.

The CHAIRMAN. There being no further business the House adjourned.
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Thornberry) having assumed the chair, Mr. LaTourette, Chairman of the Committee of the Whole House on the State of the Union, reported that that unanimous having had under consideration the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The vote was taken by electronic device.

The amendments were agreed to.

The Speaker pro tempore. The vote was taken by electronic device. The amendments were agreed to.

The bill was ordered to be engrossed and read a third time.

The Speaker pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 65.

The vote was taken by electronic device.

The Speaker pro tempore. The vote was taken by electronic device. The bill was passed.

The Speaker pro tempore. So the bill was passed. The result of the vote was announced as above recorded.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

Mr. Dreier asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. Dreier. Mr. Speaker, the Committee on Rules may meet the week of July 14, 2003, to grant a rule which could limit the amendment process for floor consideration of H.R. 2122, the Project BioShield Act of 2003.

Ms. Millender-Thomas. The Chair recognizes the gentleman from California (Mr. Castle).

Mr. Castle. Mr. Speaker, I ask unanimous consent that my remarks be removed as a cosponsor of the Bill.

The Speaker pro tempore. Two Members having been granted time for consideration of their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. Burton of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472. The Speaker pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. Lewis of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)