Mr. Speaker, take note: the birth of this new city is a landmark day for my district. I am confident that great things will come from their residents and their leaders. What a privilege it is for me to represent a constituency so involved and passionate about their destiny and that of our State and great Nation. Freedom rings in Sandy Springs.

COMMENTS OF KARL ROVE

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

Mr. OBEY. Mr. Speaker, in light of Karl Rove's savage attack on the patriotism of liberals in this country, I have a couple of questions. Two days after 9/11, the gentleman from Florida (Mr. YOUNG) and I, on a bipartisan basis, pushed a $20 billion package through this House in response to the attack. We had to sit in the Speaker's office and defend the President's request against people like Phil Graham and Don Nichols of the President's own party. Are those the liberals that Karl Rove was talking about?

One month after 9/11, the gentleman from Florida (Mr. YOUNG) and I went to the White House and urged the President to support a greatly increased homeland security budget. The President, without even looking at what we were proposing, said, ''If you add one dime to our budget for homeland security, I will veto the bill.'' Mr. Rove was sitting over his shoulder when President Bush made that remark. Is President Bush one of those out-of-line liberals that Mr. Rove is talking about?

I come from the State of Wisconsin. I know a third-rate Joe McCarthy when I see one, and I saw one in Mr. Rove's comments yesterday.

CENTERS FOR DISEASE CONTROL AND PREVENTION

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, this week I organized a subcommittee visit to the Centers for Disease Control and Prevention to help our Members learn about efforts to support the DHS mission to prevent bioattacks. We were briefed on aerosolized anthrax and botulinum toxin, among other things, and also the horrible things that terrorists could do with these deadly pathogens.

While the CDC is focusing on how our enemies could attack us, our military is focused on who may attack us. Among those who would attack are those held at Guantanamo Bay. These detainees are a far cry from the innocent millions who lost their lives at the hands of Stalin, Hitler, and the Khmer Rouge. These are terrorists who would put the botulinum toxin I saw on Monday in the food our families eat. If we had specific information this bioweapon was about to be used in one of our towns or cities, we would not hesitate to question and detain those we believed had information on such a plot. And that is exactly how we must always act because we are certain there are enemies out there that mean us grave harm. The American people expect us to be uncompromising in our mission to ensure the security of our citizens.

PRIVATIZING SOCIAL SECURITY

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I do not know what it is about the Republicans, but despite overwhelming opposition by the American people across the board against the privatization of Social Security, they bring out yet another plan to privatize Social Security. They bring out another plan to privatize Social Security, to raid the Social Security trust fund, and to undermine the solvency of Social Security.

Three points to their plan. Undermine the solvency of Social Security; raid what is left of the Social Security trust fund; and to privatize Social Security, all of which the American public overwhelmingly disagrees with and has disagreed with whether it is presented by the President or by the Republicans in Congress.

A Republican got up here a few minutes ago and said we want to do this because these people can spend their money better than the government. I would remind that young woman that she is the government. The Republicans control the White House, the House and the Senate. And since they have controlled those three bodies, they have taken $700 billion out of the Social Security trust fund; $700 billion they have raided to date, and now they want to close the deal and take the rest of the money out of the Social Security trust fund.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 3010, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3010.

□ 0918

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 23, 2005, the amendment by the gentleman from New Hampshire (Mr. BRADLEY) had been disposed of and the bill had been read through page 69, line 19.

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

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman of the subcommittee for yielding.

Mr. Chairman, I have been concerned about a program known as Youth Build, which I know many Members are familiar with, which is a very good program which gets young people in urban areas and elsewhere to learn how to build houses. And the results are some very nice houses for deserving people, and an improvement of a neighborhood, and most importantly, skills for these young people.

Now, we ran into a little difficulty. It is not one of the more expensive of our programs although it has been, at $60 million, not nothing. The President in his budget proposed I think $50 million for it, but proposed that instead of being funded out of the HUD budget it be transferred to the Labor Department's budget. That led to, I guess, it falling between the cracks of the two appropriate subcommittees; so that while I understand there is support for the program and the gentleman from New York (Mr. WALSH), a former chairman of the HUD subcommittee, tells me that he strongly supports it, and I understand there was a very close vote in the Appropriations Committee on an amendment to put it back into the bill, both bills now come to the floor without that appropriation for Youth Build. And I think this is a case of something not being rejected on the merits, or not being something we cannot afford, but something that has sort of fallen through the cracks because of this proposed change in where it goes.

So I would ask the chairman of the subcommittee, given the, I believe, support, it was in the President's budget, there was virtually a tie vote in the Appropriations Committee, could the gentleman tell me, is there some hope

that we can give to these young people that this important program will survive?

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

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

Mr. OBEY. Mr. Chairman, let me thank the gentleman from Ohio for striking the last word so you could raise this.

Let me simply say to the gentleman from Massachusetts (Mr. FRANK), I fully agree with him about the value of the program. The President's budget wanted to transfer it to this bill. The subcommittee did not pick up the money in this bill. In my view, it should have. But I would say that because it has not, there will be another opportunity next week to try to deal with this when the Teasury-Transportation bill comes to the floor.

It would be disgraceful if the Congress allowed this program to fall through the cracks because neither committee included the funding for it and if Congress simply played Alfonse and Gaston on us between the two subcommittees.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Wisconsin.

I wonder if the gentleman from Ohio could give us some guidance on what the chances are for the ultimate survival of this very important program which the President supports, and I believe is supported on the merits. Could we get it in the bill next week? Or what is the prospects of this Youth Build program not dying because of kind of a shuffle here.

Mr. REGULA. Mr. Chairman, reclaiming my time, let me say that I agree with the gentleman. It is a great program. I am very familiar with it. Unfortunately, it is in no man's land. The way the OMB budget came up, the President's budget, it put it in Labor, which is this bill. But there is no authorization, which means it is still in the Transportation Treasury, and there is no money either place. But I hope we can resolve this because it is just what it says, it builds youth. And we have had real success in my district with it, and I think it is something we would want to retain as a national program.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would yield further, does that mean, and maybe we can discuss this again in the Transportation HUD bill, but that, since it is not a large sum of money, the President supports it, it has a lot of support here, that we can expect at some point in the process before we finish the appropriations, this program could be funded?

Mr. REGULA. Well, I certainly hope so. And we will make every effort to find some way to fit it. It just happens that I am on both of the committees and will work with the Treasury, or Transportation Treasury. It is a worthwhile program. It ought to be funded and kept in place. I think the authorizers need to deal with it, too, to change the authorization to make it appropriate for Labor.

Mr. FRANK of Massachusetts. I thank the gentleman.

AMENDMENT NO. 5 OFFERED BY MR. KIRK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KIRK:

In title III in the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'' insert before the period at the end the following: '': *Provided further*, That, of the funds made available under this heading, $11,100,000 is for carrying out subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) (relating to gifted and talented students)''.

Mr. ABERCROMBIE. Mr. Chairman——

The CHAIRMAN. The gentleman will suspend. Is there objection to returning to that point in the reading to consider the amendment?

Mr. ABERCROMBIE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. KIRK. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KIRK. Mr. Chairman, is it my understanding that the agreement worked between majority and minority to have the Kirk and Nadler amendments brought up is now being broken?

The CHAIRMAN. The order of the House did not address the reading of the bill.

Mr. KIRK. Thank you, Mr. Chairman.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, because of the rapid reading of the bill, the gentleman from New York (Mr. NADLER) and I were both unable to offer our amendments and worked out an agreement to offer it at this time. The amendment that I would have offered would have helped restore funding for the gifted education program under the Javitz program that funds programs in over 20 States and universities. It is this program that has helped out programs like the Bronx Project for creating urban excellence, serving 32,000 poor and minority students.

Not only did this program help the gifted students, for example, in that school district, but it improved math and science scores, a 20 percent improvement for the entire school, not just gifted students. The Javitz program has supported programs in 125 State and local education districts since 1989, reaching two million students nationwide. A complete list of the program is available from the Department of Education.

I am very concerned that this program was zeroed out. In my attempt to earmark the program, other programs under this title would have been seen as a potential cut, and my colleagues from Hawaii were very concerned about one program there. My concern now is that the program moves forward with zero for gifted education. And the attempted amendment was to correct that, because I do not think for the future of our country, for the future of science and math education that we should move forward with a zero appropriation for gifted education. But I yield to my chairman on this point.

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

AMENDMENT NO. 24 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. NADLER:

In title III in the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'', after the aggregate dollar amount, insert ''(increased by $35,600,000)''.

In title III in the item relating to ''DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION'', after the aggregate dollar amount, insert ''(reduced by $35,600,000)''.

The CHAIRMAN. Is there objection to considering the amendment at this point?

Mr. KIRK. Mr. Chairman, reserving the right to object, I understand that we are breaking this agreement then?

I yield to the distinguished ranking minority member.

Mr. OBEY. Mr. Chairman, I would not describe it as breaking the agreement. If the gentleman would be kind enough to let me explain what I think has happened here. The gentleman from Illinois (Mr. KIRK) and the gentleman from New York (Mr. NADLER) both missed their opportunity to offer their amendments in regular order because the reading went fast and neither of them was on the floor. We had a unanimous consent agreement which was about to be propounded by the gentleman from Ohio.

When the gentleman from Illinois and the gentleman from New York discovered that they had missed their opportunity, the gentleman from Illinois asked for an opportunity to go back. At that point, I suggested that the unanimous consent agreement be rewritten to include your amendment and the gentleman's from New York. The committee majority preferred, and I can understand why, because it was time consuming, the committee preferred to simply rely on our ability to get unanimous consent to go back to consider yours and the gentleman from New York's amendment.

However, the gentleman from Hawaii (Mr. ABERCROMBIE) was not part of the arrangement. And since your amendment takes money out of a program in

his State, he felt required to object. So I do not think that anyone is ''breaking an agreement.''

This is what happens, number one, when Members are not on the floor when they need to be. Secondly, it is what happens when we do not include matters like that in the UC agreement. We were relying on an assumption that proved to be erroneous, and I am certain the gentleman from Ohio feels as badly about it as I do. But in my view, no one on the floor is breaking his word. This is just an unfortunate set of circumstances, and a Member has the right to protect his own State's interest if the opportunity presents itself.

Mr. KIRK. Mr. Chairman, given the fact that we are breaking this agreement, and given the fact that I am not able to offer my amendment, my normal course of action would be to object, but I hold the gentleman from New York in high regard, as the gentleman from Iowa, and so I am not going to be partisan and I am not going to do tit for tat, and I am not going to object, even though objection has been heard from the other side. So I withdraw my point of order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to returning in the reading to consider the amendment?

There was no objection.

□ 0930

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, let me begin by expressing my appreciation to the gentleman from Illinois for his magnanimity and largeness of thought in this matter.

Mr. Chairman, I rise in support of this amendment to restore the funding for Arts in Education programs to $35.6 million. Unfortunately, the underlying Labor-HHS appropriations bill zeros out this program, effectively eliminating it.

This year, 106 of our colleagues from both sides of the aisle, include my friends, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH), joined me in writing to the committee asking for $53 million in Arts in Education funding. Given the funding constraints in the bill, the amendment instead asked that we simply level fund the program, the number passed after conference last year.

This program provides funds to establish model programs at the Department of Education that brings arts education to schools across the country as well as funds to support the professional development of arts educators. The program also supports the ongoing national arts education initiatives of the John F. Kennedy Center for the Performing Arts and VSA arts which ensure that people with disabilities can learn through, participate in and enjoy the arts.

Time and again, parents, educators and community leaders tell us that arts education is critical for preparing our Nation's children to succeed in school, work and life. Years of research demonstrate that a real significant link exists between arts education and students' academic performance and social development.

Arts funding and education funding is not controversial and is nonpartisan. Some of the most vocal proponents of Arts in Education include Republican Governor Mike Huckabee and former Education Secretary Rod Paige. I know the gentleman from Ohio (Chairman REGULA) also is supportive of Arts in Education programs.

I would like to thank the gentleman for working with the Senate each year to increase funding in conference, and thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on this issue. I understand that this is a tight bill in a tight funding year generally, but it is important that the House voice its support for this program.

So I ask the distinguished chairman and the ranking member to work with me and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH) to assure that funds for these beneficial, well-liked programs are maintained, if not increased, in conference this year.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I am honored to offer this amendment with the gentleman from New York (Mr. NADLER) and the gentleman from New York (Mr. BOEHLERT). I would only stress of all the learning disciplines, the arts tap and expand the human imagination the most, and in a world of exploding options for individuals and families, it is imperative when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

It appears that the children of 20th century America lost something when they became captives to passive education offered by advances in media, particularly television. If we can learn from our mistakes, an emphasis on hands-on efforts, particularly in the creative arts, should become a focal point of 21st century education.

For most Americans, the arts are an optional endeavor. But for some, art is a principal means of self-expression and communication. For example, last month 17-year-old Patrick Henry Hughes won the VSA arts 2005 soloist award for his piano and vocal abilities. In an interview, he said, ''I am blind and I can't walk, but I don't let it stop me. I actually love the life I am living. If I have a sad moment, I go to the piano and get happy again.''

We must ensure that every young person with a disability has access to arts learning experiences. VSA arts, which are part of the Arts in Education programming eliminated in this bill, provides opportunities for children and adults with disabilities and stimulates millions of people, like Patrick Hughes, helping to transform their otherwise frustrating world into one that is more beautiful and purposeful.

Mr. Chairman, the arts are not a luxury, they are the soul of society.

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

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

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

Mr. BOEHLERT. Mr. Chairman, the arts motivate and inspire people of all ages to engage in learning, and that is what this is all about. Students who take regular arts courses are proven to score on average 90 to 100 points better on their SATs than students that do not take arts classes. Students that attend arts courses are shown to have better attendance, lower dropout rates, participate in more community service and have a higher self-esteem. That sounds to me like a pretty darn good investment in the youth of America.

Mr. Chairman, I urge support of this amendment.

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

Mr. Speaker, I am not clear that I am going to ask for a vote on this amendment. If we get an appropriate assurance that we will work in conference from the chairman, we may not have to do that. I will ask the chairman to express himself on that subject.

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

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

This, like many programs, is a great idea, a great help, with over 100 grants last year, but we do have a really tight budget. I know when we get to conference with the other body, that this probably will be one that has support, but it all depends on what is available in funding. I am sympathetic to it, but I cannot guarantee anything. I think we would have to consider it.

It has a trade-off, that is the problem at this juncture in your amendment, and that is it would cause the layoff of many employees.

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

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

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

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

Mr. Chairman, I am responding to the question from the gentleman from New York, and that is, yes, we will certainly take this under consideration in the conference.

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

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

Mr. NADLER. Mr. Chairman, I appreciate the comments of the distinguished chairman from Ohio as to the fact that there will be efforts made in conference to try to retain this program. I think that is probably the best we can do, and I appreciate his statement. I will at this point not ask for a vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. 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. PRICE of Georgia:

Page 69, line 1, after the first dollar amount insert the following: ''(increased by $70,000,000)''.

Page 69, line 3, after the dollar amount insert the following: ''(increased by $70,000,000)''.

Page 69, line 4, after the dollar amount insert the following: ''(increased by $70,000,000)''.

Page 82, line 10, after the dollar amount insert the following: ''(reduced by $70,000,000)''.

Page 82, line 12, after the dollar amount insert the following: ''(reduced by $70,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would rise to commend the Chair and the committee for their work. I understand the difficult times that we are in and the decisions that are difficult that we need to make.

As a budget is a demonstration of our priorities, I offer a positive amendment in an effort to further highlight those priorities. Currently in the bill the Teacher Incentive Fund earmark has $100 million and the AmeriCorps earmark has $270 million. My amendment increases the funding for the Teacher Incentive Fund by $70 million and reduces that funding for AmeriCorps by the same amount.

President Bush asked in his budget for $500 million for the Teacher Incentive Fund in the FY 2006 budget. The Committee on Appropriations was only able to provide $100 million for this program. The Teacher Incentive Fund is a new teacher merit pay pilot initiative. Teachers and officials who improve student achievement of are provided with financial incentives, rewarding achievement. This is a good idea.

The Teacher Incentive Fund will carry out two goals: One, rewarding effective teachers teaching in schools most in need; and, two, rewarding effective teachers in schools that are top performers in closing the achievement gap and meeting the annual targets in No Child Left Behind.

Ask yourself, who made a real difference in your education? Most of us will remember one or two teachers who affected us in a very remarkable way. For me it was one of my high school teachers, Dr. Welch, and I will never, never forget how he challenged me to excel.

Teacher quality is the most important school-related factor influencing student achievement. One of the tenants of no child left behind is putting a qualified teacher in every single classroom. It is estimated that more than 2 million teachers will need to be hired over the next decade and the Teacher Incentive Fund will encourage more talented individuals into the field of teaching.

The AmeriCorps program is a program that was conceived under then-president Clinton, and, in short, the Federal Government is paying participants, paying participants, to participate in a volunteer capacity, sometimes up to $21,000 year. It is the antithesis of limited government. When the Federal Government assumes the job of private organizations, it encourages citizens to abandon their civic responsibilities.

According to GAO studies, the results of the AmeriCorps program are difficult to measure. Furthermore there are more than 83 million Americans who volunteer, meaning that the overall impact of AmeriCorps is minimal, especially given the level of funding provided.

This is a common sense amendment. It is consistent with our mission of improving education and limiting the spread of government. I urge my colleagues to support this amendment to improve education and our competitiveness in the world.

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

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

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

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

Mr. Chairman, I do not think the gentleman is a big fan of AmeriCorps, and the attempt really here is to reduce AmeriCorps more than to enhance the other program, because we have already added $100 million in new money in the teacher innovation program. It is a great program, and I am a great believer that teachers are the key to a good education, so I do not quarrel with the idea. I wish we had more money to do that.

But, on the other hand, AmeriCorps is a very important program, because it is made up of volunteers, a lot of times young people. They get a little stipend to help with their education, but they do not get paid. You have volunteers who are working in a community, on education, public safety, probably doing mentoring for students, which is extremely important.

I think that perhaps the goal that the gentleman is trying to achieve is desirable, but the target the gentleman has, which is AmeriCorps, would be a mistake given the fact that AmeriCorps has a very important role to play.

I like volunteers. The President is a big booster of volunteers. He has a goal of getting 75,000 AmeriCorps members as volunteers, and this would in part stifle the President's goal of getting these people.

So I would hope the gentleman would withdraw his amendment, or at least not go to a vote on it, because I think the innovative program is good, but AmeriCorps is good, and in limited budgets we need to keep that program going.

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

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

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, however well intended this amendment may be, it goes to the heart of what is very important in this country, and that is getting our young people to want to participate and be part of our society, and it employs a lot of young people from our urban areas. But, more important than that, is they work at minimum wage, but then they get a stipend to help pay for their education.

Why do we give away college grants, when young people are willing to work to get them? For me, this is so central to what we believe as Republicans: Do not give them a grant, have them earn it. They earn these grants, they do incredible service throughout the country, and it replaces having young people do a job just to do a job. They do meaningful, meaningful work.

Mr. REGULA. Mr. Chairman, reclaiming my time, I would just point out that the AmeriCorps members that would be reduced and perhaps eliminated serve 2 million children and youth in education-related programs, as I mentioned earlier, as mentors. They tutor children of prisoners and they train over 600,000 community volunteers. So it has a very powerful ripple effect throughout the community to have these AmeriCorps, most like young people, volunteers, seeking other people and training them to engage in service as mentors and so on.

Here you have two good programs, but, on balance, we have to at this juncture and with the limited resources we have, go with the AmeriCorps as opposed to adding more, in addition to the $100 million we already put in the program, for innovative education programs.

Mr. Chairman, I urge Members to oppose this amendment if it were to come to a vote.

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

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of the chairman and of the other Members who have spoken. I understand that, again, our budget is a budget of priorities. The President had requested $500 million for the Teacher Incentive Fund, and I believe that moving toward a budget that greater aligns our priorities in the area of education is important.

$200 million would be left in AmeriCorps; $200 million. That is not a paltry sum. In addition, the CBO has stated that this $70 million shift would in fact save $33 million. I do not know how they come up with those numbers, but that is how they score this. So we are spending $70 million and saving another $33 million.

I believe moving toward the Teacher Incentive Fund, which would, again, provide incentives for high quality teachers in our schools that would ultimately result in changing lives in a very positive way, is a positive amendment and a positive thing to do.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume just to close this out.

Mr. Chairman, I think, again, these are both good programs. We had to make choices. In balancing the equities between the two, inasmuch as we put the $100 million in the innovative program and that is yet to be developed as to how it will be accomplished. But, we know with AmeriCorps that they work in the communities, do a lot of great work in getting people involved in mentoring and all kinds of other activities, and on balance I think we have to make a choice here. So, I would urge Members to stay with the numbers that are in the bill, to stay with what we put in for AmeriCorps and not approve this amendment.

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

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, I appreciate those comments. I think this is a positive move to realign our budget priorities in a more positive way for education, and I urge my colleagues to support the amendment.

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

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

Mr. Chairman, if I could have the attention of the gentleman from Ohio, I simply rise neither to speak for nor against this amendment, but simply to make an observation about it.

The situation that the gentleman from Ohio finds himself in on this issue is a very difficult one, because he is trying to balance between two legitimate claims on the Federal Treasury. We have seen, as was observed in the Washington Post article this morning, a parade of Members come down to the floor yesterday and today trying to wiggle out from the consequences of the budget resolution which was imposed on the entire House by the passage of that resolution.

Now, I do not like to be in that position. I have a little less sympathy for the gentleman from Ohio than I do for myself on this issue, because he voted for the budget resolution and I did not. But that being said, there is no right position on an amendment like this.

This issue simply demonstrates that when the money that you provide for education is inadequate, when it is inadequate to the needs of the Nation, then we are going to be eating each other's favorite programs, then you are going to have all kinds of interest groups in this country chewing on each other and each trying to get out from under at the expense of everybody else.

So I can actually understand why the gentleman opposes this amendment, because he needs some flexibility in conference to deal with some of the legitimate concerns that Members have. I love the program the gentleman from Georgia is trying to add money to. I had a son in the gifted and talented program. He was a National Merit scholar. Yet I would have a great deal of difficulty voting to add money for that program at the expense of programs that went to help less gifted and less advantaged children in this society.

So the amendment is half right and half wrong, and I hope, therefore, that the Members on the majority side and the minority side will understand why the gentleman from Ohio is so reluctantly against this amendment.

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, just by way of clarification, I appreciate the gentleman's comments, and budgets are difficult, there is no doubt about it, and they say where we are in the priorities.

Just by way of clarification, this fund is not for the talented and gifted program. This fund is to find high quality teachers and reward high quality teachers who increase achievement in schools and increase achievement in closing that gap.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for correcting me, I misheard. I happen to think that that is a tremendous program too. But the problem is all of these amendments, taken together, will limit the chairman's ability to provide any flexibility at all in conference to fix these problems. So I urge the gentleman to think about it. He might be surprised at which programs are going to be bitten if the gentleman does not have the flexibility that he needs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

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

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

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

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

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

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

Mr. SHAW. Mr. Chairman, as the gentleman knows, he and I have discussed on several occasions now my interest in funding the NCI, National Cancer Institute, for more money to expedite finding a cure for cancer or finding that cancer becomes a manageable disease. Twenty-five percent of the deaths in this country are caused by cancer. One out of every two men will get cancer. One out of every three women will be stricken with cancer.

Research is going forward at such a fast pace. I wanted to put together an amendment that would add $50 million for additional research centers designated by NCI.

I realize, picking up on what the gentleman from Wisconsin (Mr. OBEY) has just said, that this is a very tightly crafted bill; but I would ask the gentleman as chairman, and this is coming from one who has suffered from lung cancer, that the gentleman find that money, or look for the money in the conference, so that we can increase the funding for NCI so that we can expand those centers.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman. We are very aware of the gentleman's concerns. We have added a modest amount for the cancer institute. I have had many discussions with the director, Dr. von Eschenbach; and what we are trying to do, and he is doing, the gentleman would be interested in, he is trying to coordinate the various research centers.

There are many good institutions throughout the United States doing cancer research; and because of the importance and the cost, we want to avoid duplication among these various institutions. So I think this program of trying to coordinate to ensure that they are not reinventing the wheel at each one of these places, because it is expensive, hopefully out of that effort there will be a more coordinated effort to target a cure for cancer because this would certainly be a great breakthrough.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I very much appreciate that and sincerely hope the gentleman will be able to accomplish

this. This is a tremendously important project. Dr. von Eschenbach is doing a huge job. By 2015, we could be looking at cancer through the rear-view mirror instead of every day worrying about some loved one or yourself as a sufferer of cancer.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 98, line 18, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

The CHAIRMAN. There was no objection.

The text of the remainder of the bill through page 98, line 18, is as follows:

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $763,870,000, of which $400,000,000, shall become available on July 1, 2006, and remain available through September 30, 2007: *Provided*, That $400,000,000 shall be available for subpart 1 of part A of title IV and $152,537,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $132,621,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,193,000 may be used to carry out section 2345 and $3,035,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005, and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,813,783,000, of which $6,202,804,000 shall become available for obligation on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,413,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,128,638,000: *Provided*, That $29,760,000 shall be used for carrying out the AT Act, including $4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and $5,086,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: *Provided further*, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $56,137,000, of which $800,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $107,657,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $1,991,782,000, of which $1,196,058,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $791,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007: *Provided*, That of the amount provided for Adult Education State Grants, $68,581,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005, and shall remain available through September 30, 2007, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,283,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,100.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $124,084,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,936,936,000: *Provided*, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,790,000, of which not less than $3,524,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,696,000, of which $271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. In addition, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart for awards made through the award year 2005–2006, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This title may be cited as the ''Department of Education Appropriations Act, 2006''.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $357,962,000: *Provided,* That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further,* That notwithstanding section 122(c) of the Act, the Corporation shall make available up to $2,000,000 under part C of title I of the Act in a grant to support Teach for America's efforts to address educational inequity in low-income rural and urban communities.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $523,087,000, to remain available until September 30, 2007: *Provided,* That not more than $270,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121 (d) and (e), section 131(e), section 132, and sections 140 (a), (d), and (e) of the Act): *Provided further,* That not less than $146,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further,* That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further,* That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That not more than $9,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further,* That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further,* That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That $40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further,* That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further,* That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a)

of the Act: *Provided further,* That the Corporation may use up to one percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

NATIONAL AND COMMUNITY SERVICE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $27,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided,* That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

(INCLUDING RESCISSION)

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2006 by Public Law 108–199, $100,000,000 is rescinded; up to $30,000,000 is available for grants associated with the transition of public television to digital broadcasting including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public television licensees or permittees, or their designated representatives, and up to $52,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided,* That section 396(k)(3) shall apply only to amounts remaining after the allocations made herein.

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for fiscal year 2008, $400,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $42,331,000: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $249,640,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,800,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to

be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,533,174,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,159,700,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $66,805,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician

or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

Mr. SHAYS. Mr. Chairman, I make a point of order against section 511. This section violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

I do this on behalf of the gentleman from Virginia (Chairman TOM DAVIS) of the Committee on Government Reform.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, we are not going to object, because I understand the correctness of this. I just would point out this has been carried in this particular bill since 1997 without being objected to. But, technically, the gentleman is correct; and, therefore, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. Section 1015(b) of Public Law 108–173 is amended by striking ''2005'' and inserting ''2006''.

SEC. 519. (a) None of the funds made available in this Act may be used for the payment or reimbursement, including payment or reimbursement under the programs described in subsection (b), of a drug that is prescribed to an individual described in subsection (c) for the treatment of sexual or erectile dysfunction.

(b) The programs described in this subsection are the medicaid program, the medicare program, and health related programs funded under the Public Health Service Act.

(c) An individual described in this subsection is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense, and includes any individual who is registered (or who is a person required to register) under section 170101 or 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072).

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AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. 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. GEORGE MILLER of California:

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

SEC. ____. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce or implement the ''Settlement Agreement By and Among UAL Corporation and all Direct and Indirect Subsidiaries and Pension Benefit Guaranty Corporation'', dated April 22, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I join the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New York (Mr. CROWLEY) to offer an amendment which will be the first time that will allow Congress, and perhaps the last time, to save the hard-earned retirement benefits of 120,000 workers and retirees at United Airlines.

Unfortunately, United Airlines has become a poster child for what is wrong with the private pension in this country. United filed for bankruptcy over 2 years ago and forced one wage concession after another from its workers, and then it unilaterally decided

that it would stop making the legally required pension contributions to its plans. It dragged on the negotiations with its employees and then, in the middle of the night, got up from those negotiations and dumped those retirement plans into the PBGC, causing those employees to lose somewhere from 30 to 60 percent of their retirement nest egg, of their retirement assets, of their future standard of living. That is what these people lost because United decided it would no longer negotiate to try to find a solution to this problem.

We see Delta Airlines that has frozen its pension plan, has asked to stretch out its payments so that it can protect the assets of its employees. United chose another idea: It would simply dump these liabilities onto the taxpayers of the United States of America. What United was not telling anybody was the truth. They were not telling them about their funding of their pension plans, about their liabilities of their pension plans. They simply decided they would terminate these plans in the PBGC.

So this is our chance. This is our chance to try to save the retirement nest eggs of the flight attendants, of the ramp workers, of the pilots, of all of the people that have given so much to have this airline continue to fly. We held an E-hearing. Over 2,000 people participated and told us what the real impact of these cuts would be on their families, on their children, on spouses with illnesses, on their parents. People who had worked 30, 35, 40 years for this company now find out that they have been terminated with no chance to go back.

This amendment says United Airlines has got to go back to the bargaining table and work out a provision to take care of this.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment, and I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in opposition to this amendment because it seeks to overturn two court decisions and what Judge Wedoff said was ''The least of the bad'' alternative ''choices here has got to be the one that keeps the airline functioning, that keeps employees being paid.'' We have to look out for the interests of all people, especially the 62,000 employees of United Airlines right now, just crawling out of bankruptcy, on whom the future of the entire western Chicagoland region, O'Hare Airport, and many of the related businesses depend. If we push United into bankruptcy, and especially if we push her further into liquidation, we will not only have an employee pension problem, but we will have a massive unemployment problem. We will also jeopardize the crown jewel of the economic development programs for Illinois, which is the modernization of O'Hare airport. O'Hare airport and its modernization depends on a functioning United Airlines. And for us to interfere with the two court decisions and the already declared decisions of four unions with United is a great mistake.

I think we should make sure that this process moves forward, we should make sure that this airline continues to function, and we should make sure that the 62,000 current employees of United are allowed to find their way back into profitability so they can put food on their table, especially in my district and other Illinois districts.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), cosponsor of the amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today, with the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New York (Mr. CROWLEY), to offer an amendment that would protect the retirement security of dedicated United Airlines employees and retirees who support, and I want to underscore that, who support our amendment.

Our amendment would stop the Pension Benefit Guaranty Corporation from taking over United's four pension plans in one fell swoop. Our amendment would give Congress a chance to work out a better solution than pension termination.

I urge my colleagues to support this amendment because the threat to United's employees is real. This is not a straight hand-off from United to the PBGC. Although United's pension liability is $9.8 billion, the PBGC is only assuming $6.6 billion of the debt to United workers. The takeover of the plans will result in pension benefit cuts averaging 25 to 50 percent, a loss of $3.2 billion, for men and women who have worked for years with the promise of a secure pension. And it is on top of the $3 billion in concessions United employees already made.

We are on the cusp of a pension crisis in this country. The PBGC, without United, has a $23 billion deficit, and other companies are waiting in line to dump their pension benefits.

I urge my colleagues to support this measure.

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

Mr. DREIER. Mr. Chairman, I rise in strongest opposition to the Miller amendment. Five unions have been involved in the negotiation process here to ensure that over 60,000 people are able to keep their jobs and a very, very important company continues to remain alive.

There is one union that has chosen not to be supportive of this. The fact that one union is not supportive of this agreement working between United Airlines and the Pension Benefit Guaranty Corporation has now created a scenario where we want to take the entire package down, and I believe that it would undermine a very important part of the commerce of the United States of America. We all know how important the airline is to the very vibrant economy that we have today.

So I urge my colleagues to oppose the Miller amendment and let us proceed to ensure that we do not see 62,000 people lose their jobs.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), a cosponsor of the amendment.

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague from California for yielding me this time.

Mr. Chairman, I rise in strong support of the Miller-Schakowsky-Crowley amendment and urge all our Members here in the House to support it.

Is this amendment a cure to our Nation's employee pension problems? No. The problem is PBGC jumped too easily at a deal to put taxpayers on the hook for pensions, while allowing United to walk away from its responsibilities to its employees.

Representing the district that houses LaGuardia Airport and serving many Delta employees, I have real concerns about the bad precedent set by PBGC and worry that other airlines, and soon other industries, will follow United's lead.

As we know, Delta recently stated that it must pay $2.6 billion over the next 3 years to meet the obligations of its defined benefit pension plan. The carrier has warned in the past that its growing obligation poses a threat to restructure and avoid a bankruptcy filing. At the same time, UAL Chief Executive Gerald Grinstein has said that United would gain a competitive advantage on rivals by dumping its employee pension obligation.

This is bad precedent. Real pension reform is needed, and this amendment is to serve as a wake-up call to that fact.

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

I would just point out to the Members that this is a very delicately balanced arrangement and I think the risk to all of this is that if we were to adopt this amendment, the benefits that now are available to retirees under PBGC could even be lost, plus a lot of jobs could be lost. And we are inserting ourselves or would be inserting ourselves into something that has been worked out among all the parties in a way that is in the best interest of both active employees and retirees, and this is not the appropriate forum to deal with this subject.

We have legislation moving through the Committee on Education and the Workforce dealing with pensions, and this would set a precedent, I think, for our body, the U.S. House, to interject itself in something that should be handled by the parties, and I think what they are trying to do is to work it out in a way that is in the best interest of both the active employees and retirees.

For this reason we object to the amendment, and this is not the proper forum to bring this kind of an amendment or to make a decision with the consequences that this would have.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Miller amendment.

Mr. Chairman, employees and retirees at United Airlines played by the rules and deserve what they expected—a solid pension payment to support their retirement years. But instead of the promised income they were counting on to help cover their kid's college tuition; their own health care; or, the mortgage payments on their houses, they were left with a court ruling dumping their dreams into the pension guaranty benefit corporation (PBGC), which is significantly less than what they were counting on. And, guess who fools the bill?—the tax payers!

Over 2,000 email statements from United Workers were recently submitted into an e-hearing conducted by Representatives GEORGE MILLER and JAN SCHAKOWSKY.

One of my constituents, Ms. Elenor Barcsak wrote: "I worked for United Airlines as a flight attendant for 37 years . . . when I turned 60 years old I was told that it would be totally safe to retire as my pension, that I had paid into as a union member for all those years, was TOTALLY protected.

She continued—I am a homeowner in Marin County since 1972 but I still have mortgage payments. I am assisting my family financially as my mother is in a nursing home [in Canada] and my younger sister has been on welfare. The impact of my pension check being reduced by as much as half will be devastating." Mr. Chairman, I urge my colleagues to support the Miller amendment to prevent United Airlines from dumping its pension into the PBGC and reducing the benefits promised to these loyal workers.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 10 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I support this amendment not just for the compelling reasons of the gentleman from California (Mr. GEORGE MILLER), but because if it is allowed to stand as a precedent, it will cost the American taxpayer tens of billions of dollars in additional pension costs.

Support the American taxpayer and support the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Just 18 days before United dumped its pension plans into the PBGC, the PBGC wrote and said that it would be in the best interest of the participants and the pension plan insurance program would be best served by the continuance of the flight attendants pension plan. United got up in the middle of the night, unilaterally threw this in.

What we are trying to tell United is go to the marketplace, go look for private solutions to this debt, get this debt covered, people do it all the time. Companies do it all the time, countries do it all the time, before they come to the taxpayer.

The gentleman from Virginia (Mr. MORAN) is right. We may very well be looking at the opening night act of a new savings and loan scandal because we let these people come in, because they unilaterally decided termination was their first choice, going to the taxpayer was their first choice. It should be their last choice.

This amendment simply says go back to the bargaining table and exhaust all of their remedies before they come to the taxpayer.

Vote for the Miller-Schakowsky-Crowley amendment and take care of people who play by the rules.

The CHAIRMAN. The time of the gentleman from California has expired.

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

Mr. Chairman, I rise in strong support of this amendment. We have heard a number of Members on the majority side of the aisle say we should not overturn a court decision.

Where were you on the Schiavo case when you brought the Congress back in order to stick your nose into the very painful end-of-life decisions that were made by a family in agony? You did not hesitate to try to overturn a court decision then. Get straight, fellows, come on.

This amendment is absolutely necessary if we are going to stop the dumping of pension obligations on the taxpayers of the United States. The taxpayers have enough trouble now getting their representatives to do real things to fix Social Security and now they are going to dump the responsibility for private pensions on the taxpayer as well. That is goofy and it is gutless. It is stupid. It is negligent. Outside of that, it is a terrific idea.

What I would say is this, and I hope the House remembers this when the Treasury bill is on the floor next week because I got added to that bill a requirement that the General Accounting Office do a study to determine whether or not we need to re-regulate the airlines and treat them as a necessary public utility providing service to every community in this country in order to save our pension system for airline employees. If we do not do that, if we do not do that, we can bet there will not be a single airline that has a private pension system by the end of the decade. There will be a race to the bottom in terms of costs, and the first people who are going to get run over in that race are going to be the workers who thought they had a private pension system.

This Congress needs to start talking about matters that affect the people back home rather than continuing to focus on matters that deal with the welfare of people inside the system and inside the Beltway in Washington. It is about time Congress quit paying attention to little details that have nothing to do with people's lives and start focusing on big problems like preservation of their private pensions. This is the only way that we can fire a shot across the do-nothing leadership of this Congress' bow and get some movement on this crucial pension issue.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me.

I would just like to make the point this does not turn over any court decisions. United has yet to file a business plan with the creditors committee. The fact of the matter is this is the only opportunity we are going to have to have them go back and negotiate and try to use private systems to solve this problem before they come to the taxpayers.

□ 1015

So this does not tamper with any court decisions or with the ability of United to go forward.

Mr. OBEY. Mr. Chairman, reclaiming my time, without this amendment, Uncle Sam is being Uncle Sucker.

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

I say this to my colleagues who are watching us on C–SPAN: I think the debate illustrates the complexity of this issue. This is not the proper forum to adjudicate the problem of United or any other airline's pension plan or the problems that confront PBGC. I would hope that the Committee on Education and the Workforce that is dealing with the pension problems would address situations similar to this.

This amendment has far-reaching consequences. That is illustrated by the fact that we heard a number of extraneous matters injected into this, including the Schiavo case. I would urge Members to vote against this because it is simply not the right forum to try to deal with a very difficult problem, and it will not be the last problem. Other airlines are going to be faced with this; and I think the gentleman from Wisconsin (Mr. OBEY) is right, we need to take a look at this in the long term, but this is not the place to do it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

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

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEORGE MILLER of California. Mr. Chairman, I believe, under the traditions of the House, the Chair is the Speaker of the Whole House, and the Chair has an obligation to call the vote in the manner in which the vote was arrived at under the voice vote. It is not a question of whether the ayes or the noes will prevail on a recorded vote. The question is what happened on the floor at that particular time. In this instance, the yeas prevailed, and the Chair said the noes prevailed.

A number of years ago, we had very heated debates on this floor from the Republican side, from Mr. Walker, because they felt that they were insulted, especially when cameras came into this Chamber, that the Chair would call votes against their interests when they clearly prevailed on the voice. The Chair was admonished by the Speaker of the House, and we went back to what was the traditionally fair point of view.

So I would ask the Chair in the future, and future Chairs, to recognize that the Chair is calling the event that takes place in front of the Chair on the floor, not what the Chair perceives to be, and may be correctly so, the outcome of the vote later on in the day when the recorded vote is taken.

Mr. Chairman, I demand a recorded vote on the Chair's ruling.

The CHAIRMAN. The gentleman will restate his request.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote on my amendment.

The CHAIRMAN. Is there objection to considering the request for a recorded vote as timely?

Hearing none, a recorded vote is ordered.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, unfortunately, in the UC agreement that we have before us, the wrong amendment is listed. It actually amends title I; so, therefore, it should be out of order. It was supposed to be on the Reading is Fundamental program, which is much more appropriate to this title, and I have asked the chairman if he would engage in a colloquy.

My amendment, which could not be introduced because of the error, specified that $25,296,000 in the School Improvements program be dedicated specifically to the Reading is Fundamental program. I seek assurances from the chairman that this program will receive adequate funding when the final numbers are decided in the conference with the Senate.

It is very well documented, Mr. Chairman, that a great number of children and adults struggle with reading. Thirty-seven percent of American fourth graders read below the basic level on the National Assessment of Education Progress Reading Test. Additionally, 55 percent of all fourth graders eligible for free or reduced lunch score below what is called the ''Basic.'' This sad state of affairs is perpetuated as 40 million adults in the U.S. cannot even read a simple child's story.

The Reading is Fundamental program is a time-tested program that has combated illiteracy since 1966. Reading is Fundamental is a family literacy organization that helps children discover the joy of reading. It provides new books to children in many communities; and last year alone, Reading is Fundamental provided 17 million new, free books to close to 5 million kids across the country. It engages children and their parents to utilize all aspects of a child's environment: the school, the home, the community, all to reinforce literacy.

I would like to learn more from the chairman about his views on this program and if he will assist in making sure that funding is appropriated.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentlewoman for bringing this program to the attention of the House.

One of my goals as chairman of the subcommittee is to help ensure that all children can read by the end of the third grade. I might add at this point that I think one of the reasons for the excessive amount of dropouts in high school is because there is a lack of ability to read. It is a disgrace in the United States that 32 percent on average nationwide do not finish high school.

Providing books for children to read in their own homes is obviously an integral part of this effort. That is what the Reading is Fundamental program does. Although the program does not receive a separate line item in our report, we have assumed funding for it within the totals already provided and will work with the other body in conference to ensure that it receives sufficient resources.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for his support.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. 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. BROWN of Ohio:

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

SEC.——.None of the funds made available in this Act may be used for funding the operations of the Medicaid Commission (established on May 19, 2005, and chartered under section 222 of the Public Health Service Act and the Federal Advisory Committee Act).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

This amendment does not require much explanation. The Bush administration created a Medicaid Commission and invited Members of Congress to participate. Then they informed us that Members of Congress would not get a vote. It is not the Bush administration's responsibility to reform Medicaid. That is our job. Yet, the Bush administration did not give Members of Congress a vote.

What does this administration have to do before we draw the line, take over the appropriations process, sign bills before we pass them? It is our job, Mr. Chairman, to refine government programs under our jurisdiction. It is the administration's job to provide input. Theirs is a nonvoting position. The onus of responsibility is on us. We should not shirk it.

Vote for this amendment because you are not paid as Members of Congress to blame Medicaid for health care costs it does not generate. Medicaid is the insurer, not the patient. Vote for this amendment because you are not paid to blame impoverished children, the disabled, and the elderly for needing care or your constituents for feeling compassion towards them. Vote for this amendment because you know you cannot bring health care costs down by making it more difficult for poor people to receive it through normal channels. If a poor mother's child has an alarmingly high fever and she has no access to a primary care doc, she will take her to the emergency room. Who can blame her for that?

If you want to do something about the increase in Medicaid spending, do something about rising health care costs, do something about inflated prescription drug costs, do something about health care infomercials and glossy drug advertising, do something about medical errors, come up with a responsible medical malpractice reform plan. Do something that responds to the actual issue, not a symptom of it.

If a commission would be useful, let us make it a health care commission, and let us ask its members to recommend measures to stabilize health care spending, and let us give the Bush administration a vote on that commission. But do not allow the Bush White House to put Medicaid on trial as if it is some two-bit criminal when Medicaid is actually a lower-cost health insurer than any private insurer out there. Medicaid is a lower-cost health insurer than any private insurer out there. Do not let the Bush administration take health care away from the poor so it can give tax cuts to the rich.

Our government has three branches. Let us make sure the executive branch does not do our jobs for us. It may be

more difficult to confront health care costs directly than to make a scapegoat of the Medicaid program, but we are not in office to take the easy path. We are in office to take the right path.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit funds in this bill from being used to operate the Medicaid Commission. I think we want to know what the facts are, because it is pretty much a consensus of opinion in this country that Medicaid and Medicare are going to be even greater costs than Social Security down the road. Therefore, this commission is tasked with producing recommendations to have a $10 billion saving in Medicaid.

We all say we want to keep the Federal budget under control. Well, one of the things you do is get information, and that is what this commission is all about. I do not think we want to doom it to failure before it even begins its work.

I would point out that our authorizing committees are struggling to develop reconciliation savings that include Medicaid, and they need the input of the commission. What we need to do is to look at it and see where we can save money, and I think it would be a poor management decision to preclude their ability, the ability of Health and Human Services and Secretary Leavitt, to address a very serious problem that affects all Americans significantly.

Mr. Chairman, I would urge my colleagues to vote against this amendment if it comes to a vote.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield the remainder of my time to the gentlewoman from California (Mrs. CAPPS), a registered nurse and one of this body's best advocates for public health.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Brown amendment. Over the objections of many of us, the budget resolution arbitrarily cut $10 billion out of Medicaid. According to CBO, Medicaid provides health care for 28 million poor children, 16 million working parents, 6 million elderly people, and 9 million disabled people.

Mr. Chairman, these cuts are not illusory. They are not tiny amounts of money. They are billions of dollars that go to our hospitals, our doctors, our nursing homes, and our home health providers. They are the indispensable link in ensuring that these 55 million people Medicaid serves get the health care they need. The cuts will mean one of three things. States will make up the difference. Unlikely, since they are making do with less already. Or providers will take less for the services they provide, and they are already losing money, so scratch that idea. Or the third scenario, poor people will get less health care, and that is, unfortunately, what will happen.

I oppose these cuts. I did not support the creation of the Medicaid Commission. The challenges we face in Medicaid are not caused by Medicaid. They are caused by a failing health care system.

□ 1030

Using a commission to arbitrarily cut Medicaid funds by $10 billion will not solve anything. It will just pass the buck to those around us, those in society who have the least and who are the neediest.

This is an immoral action which does not reflect the values of our country. I urge my colleagues to support the Brown amendment.

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

Mr. Chairman, let me just reiterate that I think it is vitally important that we have a commission to look at the whole Medicaid program, because it is getting extremely expensive. And we want to have the best possible information and ideas as the Congress prospectively tries to address the burgeoning costs of Medicaid, and, of course, as a corollary to that Medicare.

They are tasked with producing recommendations to achieve $10 billion in Medicaid savings. And I cannot believe the body would not want to at least have a commission to look at the problem that is obviously looming on the horizon.

Mr. Chairman, therefore, I would urge my colleagues to vote against this if it were to come to a vote. We are going to be confronted with some very difficult choices in the future, as we found out on the Social Security issue.

And I think the Medicaid-Medicare issue will be even more challenging in the years ahead. And so now is the time to get as much information, as many ideas as we possibly can, to address a very difficult problem.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as he certainly knows, great respect for my colleague, the gentleman from Ohio (Mr. REGULA), whose district and mine touch each other, are contiguous.

And I just would reiterate though on this amendment that this is a Medicaid commission that the White House is not even giving Members of Congress a vote on reforming the whole system. So they are going to come here with the commission recommendation from the White House to Congress about cutting $10 billion, but are not even going to give any real congressional input because we will not even be able to vote on these recommendations.

So in that vein, I ask Members of this body to support the Brown amendment on Medicaid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

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

POINT OF ORDER

Mr. BROWN of Ohio. Mr. Chairman, I watched this, and I understand how the roll call vote is going to come out. But I watched this with the gentleman from California (Mr. GEORGE MILLER's) amendment. It was the same issue.

Mr. Chairman, there were 10 or 12 of us over here saying yes, and 3 or 4 or 5 over there saying no.

The CHAIRMAN. If the gentleman intends to ask for a recorded vote he should do so now.

Mr. BROWN of OHIO. Mr. Chairman, I demand a recorded vote.

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

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

Mr. Chairman, I yield to the gentleman from Florida (Mr. KELLER) for a colloquy.

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I initially planned to offer an amendment today to increase the maximum Pell grant award to $4,150. By increasing Pell grant funding by $211 million, that would be funding through an offset by cutting administrative expenses under this bill by 4.86 percent.

Mr. Chairman, I would like to engage in a colloquy with Chairman REGULA and Chairman BOEHNER regarding this amendment, and I would consider not offering this amendment if I can hear their comments regarding the possibility of ultimately seeking a maximum higher Pell grant award through good-faith negotiations with the Senate during the conference process.

Mr. REGULA. Mr. Chairman, I am pleased to engage in a colloquy with the gentlemen from Florida (Mr. KELLER) and the gentleman from Ohio (Mr. BOEHNER).

Mr. KELLER. Mr. Chairman, let me begin by just putting this issue in a bit of a historical perspective. Looking at this chart, it reflects the Pell grant maximum awards over the past 10 years. And you can see, 10 years ago, in 1986 the maximum Pell award was $2,100. This year it is $4,100.

The yellow reflects the period of time that the Democrats were in control of Congress, the red reflects the time when Republicans took over Congress. And you can see the relative spikes in the Pell grant funding. It was essentially flatlined for about 10 years before Republicans took over.

Now, when I got here to Congress, elected in 2000, we were spending $7.6 billion a year in Pell grants. The maximum award was $3,300. This year we are spending $13.4 billion a year on Pell grants, and the maximum award is up

to $4,100. That is an increase of 76 percent in overall total Pell grant funding.

In addition to the $13.4 billion we have in the bill this year for Pell grants, the bill also lists a very important addition of $4.3 billion to retire the Pell grant shortfall that has accumulated in the program over the past several years because of higher-than-expected student participation.

That is a grand total of $17.7 billion for Pell grants, the largest investment in Pell grants in the history of the United States. I want to commend and thank both the gentleman from Ohio (Chairman REGULA) and the gentleman from Ohio (Chairman BOEHNER) for their strong leadership in increasing Pell grants, which has resulted in an additional $1.5 million young people being able to go to college since the year 2000.

Mr. Chairman, let me tell you why I drafted this amendment today, though. On January 14, 2005, President Bush gave a speech in Florida where he said, ''We want to increase the Pell grants by $100 per year over the next 5 years. Pell grants are important. That is why we want to expand them.''

I agree with President Bush about the importance of increasing Pell grants. Pell grants are truly the passport out of poverty for so many deserving young people. I myself would not have been able to go to college without Pell grants. And I have the honor and privilege of serving as Chairman of the Congressional Pell Grant Caucus.

On February 7, 2005, President Bush followed up his Florida speech on Pell grants by submitting a budget which also called for increasing the Pell grant maximum award of $4,050 by an additional $100 this year. On May 26, 2005, I sent the gentleman from Ohio (Chairman REGULA) a letter signed by 46 Members of Congress, which encouraged the Appropriations Committee to fully fund the $4,150 request by President Bush.

This bill does, in fact, increase the overall award, but only by $50, not the $100 requested by President Bush. And so the purpose of my amendment was to fully fund the President's request.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA) at this time to see if he would be willing to work with the Senate during the conference to see if it is possible to increase the Pell grant funding to an amount sufficient to fully fund this $4,150 request by President Bush.

Mr. Chairman, I would also like to hear the comments of the gentleman from Ohio (Chairman BOEHNER's) comments on the issue as well.

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

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

Mr. BOEHNER. Mr. Chairman, I agree with the gentleman from Florida (Mr. KELLER) that the Pell grant program plays an essential role in helping disadvantaged students pursue a college education.

And for more than 30 years, the Pell grant program has served as the foundation of Federal need-based student aid.

I further applaud my colleague and a member of our committee from Florida (Mr. KELLER) for his strong leadership in supporting the Pell grant program, and as Chairman of the Pell Grant Caucus, and for his sharing with us his personal experiences as a former Pell grant recipient.

The gentleman is correct to point out that the Republican Congress has provided unprecedented support for Pell grants. Funding for Pell grants doubled in the last 10 years, and today we are proposing to add more than $1 billion in additional funding. The number of students receiving Pell grants has risen significantly, and today about 5.3 million students are attending college with the help of a Pell grant.

So I want to thank my colleague from Ohio (Mr. REGULA), the dean of our delegation, for his leadership as chairman of the Labor-HHS Appropriations Subcommittee. He has been a strong advocate on behalf of education programs, and it has been a privilege to work with him in support of our priorities.

Given the constraints that the gentleman from Ohio (Mr. REGULA) is working with, I fully understand. I agree with my colleague from Florida (Mr. KELLER) that we should do all we can to increase the maximum award.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

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

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER), both of the Education and the Workforce Committee. I, too, agree that Pell grants are a fundamental part of our efforts to ensure low- and middle-income students have the opportunity to pursue postsecondary education.

As the gentlemen have pointed out, Republicans have a proud history of providing funding for the Pell grant program. I am particularly pleased that in this bill, we will erase the $4.3 billion shortfall that had existed within the program, and put the program on a solid financial footing.

We are also increasing the Pell grant maximum award to $4,100, the highest level in the history of the program, and it is very evident from the chart there. And I would point out that if you take a look at that chart, where we became the majority party in 1994, and you can see the rapid ascendency of the Pell grant program.

As the gentleman from Florida (Mr. KELLER) is aware, increasing the Pell grant maximum award, even incrementally, is costly. Each $100 we add is estimated to cost $420 million. As the number of low-income students pursuing college continues to increase, the demand for Pell grants will grow as well.

Mr. Chairman, I am pleased to have worked closely with the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER) to provide the resources necessary to help low- and middle-income students gain access to college through Pell grants.

As for the conference negotiations, obviously I cannot guarantee any particular outcome. However, I will make a good-faith effort to increase the maximum Pell grant award, provided resources are available to do so.

I thank the gentleman for engaging in this colloquy, and I look forward to working with him in the future to continue to support this important program.

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

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

Mr. KELLER. Mr. Chairman, in light of the comments by the gentleman from Ohio (Mr. REGULA) and the comments of the gentleman from Ohio (Mr. BOEHNER) to at least make a good-faith effort to try to increase the maximum Pell grant award during the conference process, I will not offer my amendment at this time.

AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. 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. HONDA:

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

SEC. ____. None of the funds made available in this Act may be used to require a local educational agency to provide student information to military recruiters pursuant to section 503(c) or title 10, United States Code, or section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) without parental consent.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

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

The CHAIRMAN. A point of order is reserved. The gentleman from California is recognized.

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

Mr. Chairman, I rise in support of parents and students within my own Silicon district, and from parents and students across this country.

The privacy of high school students across this Nation is compromised by a provision of the Elementary and Secondary Education Act, also known as No Child Left Behind, which requires school districts to provide the personal, private information of students to military recruiters at the risk of losing scarce Federal dollars.

Parents in my district complain to me that their children were being persistently contacted at home by military recruiters. These parents wanted

to know how the military recruiters got their children's personal, confidential information, including home phone numbers and addresses.

My amendment would prohibit the Department of Education from withholding education dollars from school districts that decline to provide private student information to military recruiters. The decision to join the military is a solemn one. Ideally this decision should be made in consultation with people who love and care for the child, not with a government official, however well intentioned, whose very job is to recruit for the military.

As a policymaker and former high school teacher and principal, I am concerned with the increasing pressure faced by schools and school districts due to cuts in the Federal dollars of education. I support the military's right to recruit on every high school campus, but I do not believe the current provision advances our national security or reflects our Nation's respect for individual privacy rights.

Indeed, other Federal privacy statutes explicitly recognize individual privacy rights, particularly those of minors. The Children's On-Line Privacy Act prohibits commercial Web sites or on-line services from releasing personally identifiable information of minors.

Federal agencies are prohibited from divulging personal information without written consent. Blockbuster is prohibited from releasing lists of videos that their customers rent, yet for some reason it is acceptable to force schools to provide military recruiters with personal information of their students.

This violates the trust between schools and students and their parents. Schools should not be in a position to choose between students and Federal funding. More importantly, there is no reason for the Federal Government to interfere with the values and choices made by local school districts and boards.

□ 1045

This amendment closely mirrors legislation I have introduced, bipartisan legislation, cosponsored by 46 of my esteemed colleagues.

This legislation is supported by the National Parents and Teachers Association, the PTA. This legislation has also received 24,537 citizen cosponsors who have signed a petition to indicate their support of my legislation. This includes 13,000 parents and 5,000 teachers from all 50 States who have lined up behind our efforts to secure privacy for our Nation's students.

Opponents of this amendment will tell you that this amendment will hurt military recruiting at a time of dwindling enlistees. What they will not tell you is that in the past 2 years before the passage of this provision, the military exceeded recruiting goals. Clearly, the drop has no relationship with information provided by schools.

Our Nation has the best trained and most powerful Armed Forces in the world, and maintaining our military superiority depends upon effective recruiting. This country also has a proud history of personal rights and privacy protection. I believe we can sustain one while preserving the other.

We must protect the children and the students who represent the future of our country. This includes protecting their privacy.

Just today, The Washington Post ran a story detailing Department of Defense intentions to create a student data base which would include personal information including Social Security numbers, ethnicity, and grade point averages. This is but another egregious attack on the privacy rights of our students. Students have neither the ability to confirm nor correct information in its data base.

Finally, this information is gathered from commercial data brokers and State registries by a third party. I urge my colleagues to send a strong message to the country that the Congress supports privacy rights of our Nation's students and vote for the Honda-Stark amendment.

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

Mr. REGULA. Mr. Chairman, maintaining my reservation of a point of order, I rise in opposition to the amendment, and I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

The CHAIRMAN. The gentleman will suspend.

The gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I ask to reclaim the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. May I reserve the remainder?

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All of it?

Mr. KIND. Mr. Chairman, I ask unanimous consent that the balance of the gentleman's time be reserved.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All 5 minutes have expired?

The CHAIRMAN. All 5 minutes of the gentleman's time have expired.

Mr. KIND. Mr. Chairman, I would ask unanimous consent for 2 additional minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) controls 7 minutes.

Mr. REGULA. Reserving my point of order, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the gentleman from California's (Mr. HONDA) amendment.

The gentleman talks about two distinct and particular points in his amendment. First, schools routinely share students' information with various vendors. And whether they sell that information or share it, there are a lot of different forums. And during the consideration of No Child Left Behind, the gentleman from California (Mr. GEORGE MILLER) and I worked closely to try to protect students' privacy. And what we developed at the end of the bill was an opportunity for parents to have their children's names opted out of the information that would be sold or shared with outside vendors, thereby giving parents the right to protect their children's privacy.

But a second point, a more important point, is that some schools were sharing this information with private vendors, but would not share it with the U.S. military. And the agreement that we came to on the floor of this House in a very broad bipartisan way was that to the extent that a school sells or shares student data, they must treat military recruiters in a nondiscriminatory way, or, in other words, treat all people who would want access to this data to have access to it in the same way.

Now, if schools do not want to share the data with military recruiters, that is fine. They cannot share the data then with anyone. But to the extent that they want to sell that data to publishers and others who would seek that, they must give the military the right to that information as well.

I think students across America ought to have access to information to the United States military. It has been a wonderful career for tens of millions of Americans, and the fact is that the practice is going on in far too many schools discriminates against the needs of our military.

So I would ask my colleagues to reject the gentleman's amendment. We have dealt with this issue in a comprehensive way in No Child Left Behind, and we did it in a broad bipartisan way.

Ms. WOOLSEY. Mr. Chairman, I respect those who choose to serve our country in the military. I also understand that successful recruiting is critical to the military's ability to protect our country.

But we also must protect the privacy of our children.

On top of Mr. HONDA's discussion, Mr. Chairman, according to the Washington Post, the Pentagon is now developing a comprehensive invasive recruiting database on high-school and college students who are age 16 or older.

The database will include personal information about these young women and men, including their birth dates, social security numbers, e-mail addresses, grade-point averages, ethnicity and what subjects they are studying.

And, apparently, the Pentagon will be able, without notifying citizens, to share this data for non-military purposes, including with law enforcement agencies and state tax authorities.

More than ever, this highlights the Administration's gall in believing they have the right to personal information about student rights above parents.

If their war was justified, if the American people were not fed up with it, young people would volunteer—but they aren't, and, they won't, and, that is the very reason this invasive program has come up.

For these reasons, I encourage my colleagues to join me in supporting parents and children and their privacy. Vote for the Honda amendment.

Mr. KLINE. Mr. Chairman, while the men and women of our armed forces serve bravely throughout the world, the ability of our U.S. military to recruit highly qualified candidates is being put in jeopardy. Former Commandant of the Marine Corps General Charles Krulak once remarked that our all-volunteer military is an all-recruited force. The amendment offered today by my colleague from California is a clear threat to the continued success of that force.

This amendment would prohibit the Department of Education from withholding Title I dollars from school districts that do not provide private student information to military recruiters. Under the guise of "privacy rights," our military recruiters would be denied the same access to our nation's best young minds that is regularly provided to recruiters for colleges or businesses.

Mr. Chairman, military service can be a noble and fulfilling choice for our young men and women—including my son, a career Army officer. Planning for the future can be an overwhelming experience. As they consider their postsecondary options, our nation's students deserve to be fully equipped with the information they need to make good decisions.

While only a select few individuals choose to devote themselves to a career in military service, the defense of America is not their exclusive responsibility. Each one of us is charged with protecting our nation by doing our part. The least we can do is to ensure those who are interested are not prevented from learning about the opportunity to pursue military service. School principals and administrators ought to be introducing military recruiters to their students—not blocking them.

Mr. Chairman, the people of the United States benefit from the protection of the most highly qualified and well-trained military. I am hopeful our actions today will ensure our U.S. military maintains the ability to continue to serve its citizens most effectively.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I think the gentleman makes the point that this is legislation; and, therefore, 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. Therefore, it violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if it changes existing law."

Ms. WOOLSEY. Mr. Chairman, would the gentleman yield?

Mr. REGULA. We have a point of order pending, Mr. Chairman.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Does the gentleman from Ohio (Mr. REGULA) wish to be heard further?

Mr. REGULA. No, Mr. Chairman.

The CHAIRMAN. The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT NO. 10 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment as a designee of the gentleman from Arizona (Mr. FLAKE).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KOLBE:

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

SEC. ____. None of the funds made available in this Act may be used to enforce Determination ED–OIG/A05–D0008 of the Department of Education.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, I rise in support of the amendment which is offered by the entire Arizona delegation. I will consume very little time on this because others have greater knowledge about it.

This amendment will ensure that all certified charter schools will continue to be eligible to receive special education and low-income funding.

This year, the Department of Education made a sudden determination that charter schools operated by for-profit organizations are not public schools and are, therefore, ineligible for Federal special education funding under the Individuals With Disabilities Education Act and title I low-income students.

Charter schools across the U.S. are U.S. public schools. They operate with taxpayer dollars and abide by the same laws as traditional schools. Federal laws let States decide the qualifications for public schools.

The Kolbe-Flake-Shadegg-Hayworth amendment would set aside the Education Department's determination and allow appropriated funds to continue to serve low-income students and special-needs students who are schooled at charter schools. This has special significance for Arizona.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Arizona for yielding me time.

Mr. Chairman, I rise in support of this bipartisan amendment because it is important not only to the State of Arizona but to the entire Nation. As of last year, Mr. Chairman, 40 of our 50 States as well as the District of Columbia and Puerto Rico have passed charter school laws. My good friend, a member of the Committee on Appropriations, pointed out that charter schools are public schools, that charter schools in fact offer services to children with special needs. And we cannot stand by and allow the Department of Education by bureaucratic fiat to decide to cut off these funds to deserving children in what are public schools as set forth by State standards.

Education is a national priority and ultimately a local concern. And just as Arizona has taken the lead in terms of formation and the flourishing of charter schools, we want to see the funds there for the children who deserve them.

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

Mr. OBEY. Mr. Chairman, I rise to claim the time in opposition of the amendment.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I claim the time in opposition, not because I am necessarily opposed, but because I might be if I understood this correctly. This is not something that we have had a lot of notice to discuss, and I must confess considerable disquiet at the idea that we should overturn a report of the Department of Education Inspector General with respect to the use of taxpayers' money.

As I understand it, the IG, and what I understand is on the basis of a 2-minute briefing, what I understand is that the Inspector General ruled that a number of these schools were, in fact, private and not public and also questioned the way that at least two of the schools had spent taxpayers' money.

Will the gentleman enlighten me with respect to the latter concern?

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

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. KOLBE. It is my understanding that this provision, the reason that the gentleman has not had a lot of time to receive this information is that it is a very new ruling from the Department of Education that these charter schools heretofore have been given funding because they are serving low-income students, special-needs students, and suddenly they have decided that they are not eligible for that funding.

All we do is suspend that funding until there is an attempt to deal with this in the legislation.

Mr. OBEY. Reclaiming my time, let me simply say, I would be willing to let this amendment go by and have it temporarily accepted by the House, provided that there is an understanding that the committee reserves the right to change its mind during the conference process if we learn that the public interest requires us to oppose it.

I do not want acceptance to be interpreted as the committee's willingness without examining this further to allow this to continue until the authorization bill is passed. That might be a good idea, but I think we ought to keep that as an open possibility rather than make it as a commitment.

□ 1100

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

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman has said, and obviously the committee always reserves the right in conference to make a change to something as this; and if, indeed, information came out that demonstrated that it should be changed, I would certainly concur with that.

So I do appreciate what the gentleman has just said.

Mr. OBEY. Mr. Chairman, in that case, I somewhat dubiously will withdraw any objection to this amendment for the moment and hope that we can clarify it further as we go to conference.

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

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman said. Perhaps the comments that will follow will clarify that.

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

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

This ruling did just come out, and in Arizona we have I think the largest number of charter schools in the Nation. Most of them serve low-income, special-needs kids. In this case, that is who they are serving, and the ruling simply came out and said IF they are structured as a for-profit; they cannot receive funds anymore.

Keep in mind, these are Title I funds. These are special education funds. And for a school to be told, all right, you are not going to receive them anymore, these are disadvantaged kids in most respects that are going to be held at a loss.

What we are saying is simply if the Department of Education needs clarification, we can do that with reauthorization, but do not in the middle of a process say to these schools, we are going to treat you differently just because of how you are structured; although, we did not think it before, now we think it is different.

So I think that the gentleman is wise to go ahead and accept the amendment, and as more information comes out, I am confident that everyone will feel comfortable with this decision.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SHADEGG)

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in strong support of the amendment.

I think the point that needs to be made here is what the gentleman from Arizona (Mr. KOLBE), my colleague, has already made, and that is, this was indeed a rather sudden ruling, and it does change what is happening.

These schools have, in fact, been funded for years, and the only point that has not been made on this floor yet today, I do not believe, is that if the ruling is allowed to stand, funding will be cut off in less than 30 days. It will be cut off in about 12 days, on July 1.

My colleagues can say what they will about the impact upon the school. I think we ought to focus upon the impact on students.

In Arizona, schools begin the school year as early as August 1. My wife who is a teacher will be going back to school on August 1. Parents need to plan where their children are going to go to school this fall, and were this ruling to be allowed to stand, it would mean children would have less than a month to try to find a new school. To do that to low-income and special-needs children, to deprive those schools of the funding they need to provide that type of education, and to do it on that short of notice is inappropriate.

This is a ruling that directly affects Arizona today and about five other States immediately, but it holds the potential of affecting all 50 States. The ruling I think ought to be discussed on the merits, and I think the Congress should do that, but we appreciate the opportunity to at least temporarily suspend its impact for the sake of the children in Arizona who want to continue to be educated at these schools, many of which are in low-income areas, and these moneys, in particular, go to low-income needs.

So I thank the gentleman for his position.

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

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

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

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

Mr. Chairman, I would also say that I note in the letter in the final audit report that there is a sentence which says: Additionally, two of the charter schools that we audited did not expend Title I funds entirely in accordance with applicable law and regulations.

I do not know what the facts are with respect to that sentence, but I would simply say that I would not, in any way, want the acceptance of this amendment to be an indication that the Congress is carte blanche accepting the fact that funds ought to continue for those two schools, because it seems to me we have an obligation to make certain that, even if we are trying to deal with the temporary problem, we do not want an improper expenditure of taxpayers' money.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KIND

Mr. KIND. 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. KIND:

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

SEC. ____. None of the funds made available in this Act may be used to enforce the portion of the proposed rule (published in the Federal Register on May 4, 2005, at page 23466) insofar as proposed section 485.610(d)(1) of title 42, Code of Federal Regulations, requires, for new construction of a critical access hospital (CAH) to be considered a replacement facility, that ''the construction is undertaken within 250 yards of the current building or contiguous to the current CAH on land owned by the CAH prior to December 8, 2003''.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Wisconsin (Mr. KIND) and an opponent each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND) for 5 minutes.

Mr. KIND. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, my amendment is very simple. It is a prohibited use of funds amendment to prevent a new rule from being implemented by CMS that would adversely affect and penalize hospitals that have critical access designation throughout the country, of which there is approximately 1,119 serving predominantly rural communities throughout our Nation.

What the new rule that is moving forward would do is, in essence, to strip these hospitals from critical access designation, along with the funding that follows, if they decide to modernize and relocate their facilities further than 250 yards away from their present location.

Obviously many of us in the Rural Health Coalition in this Congress feel is a very restrictive rule, a draconian attempt to try to accomplish something that is laudable, trying to keep these facilities servicing these high-need areas and the people that they are currently servicing, but a 250-yard rule seems overly restrictive to accomplish that purpose.

This would affect the modernization of new facilities that may occur across the street or down the road or a few blocks away or perhaps in a different location in the community in which they are servicing or perhaps even affecting a hospital that was recently impacted by the earthquakes in California and are now forced to have to locate in a different place because of the damage that has been done.

There is another rule that is moving forward by CMS that makes a lot more sense. It would require that if a critical access hospital does move, that they still have to serve at least 75 percent of the current population, the patients and staff that they are already serving. That makes more sense.

So we are hoping today to be able to raise attention to this very important issue. We still have a little bit of time to work this out with CMS. I have recently had conversations with the

chair of the Committee on Ways and Means and the chairwoman of the subcommittee of the Committee on Ways and Means who are interested in working with many of us to try to resolve this issue with CMS.

Based on their assurances in those conversations, we feel very confident that we should be able to work this out with CMS so that we do not go forward on this very restrictive and narrow rule.

I do want to thank, however, the gentleman from Michigan (Mr. STUPAK), the gentleman from Kansas (Mr. MORAN) and also the gentleman from Nebraska (Mr. TERRY) for their assistance with this amendment and helping to elevate the education in this House in regards to what is taking place.

Hopefully through the conference process, hopefully through the cooperation we expect to receive through CMS, further legislation on this matter will not be necessary.

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

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, it is my understanding the gentleman is going to withdraw this amendment; is that correct?

Mr. KIND. Mr. Chairman, that is correct.

Mr. REGULA. Mr. Chairman, in light of that, I do not oppose it.

Mr. KIND. Mr. Chairman, I yield myself the remainder of the time. And let me just conclude, that based on assurances that we received from the appropriate people on the Committee on Ways and Means, the chair, the subcommittee chairwoman, and also the fact that we still have time in which to cut this rule off before it is fully implemented, it is my intent today to ask unanimous consent to withdraw the amendment and hope that we can get this resolved without further legislative action being taken.

Mr. KIND. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TANCREDO:

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

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

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

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

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

We have had a number of debates already on this issue, on the issue of how much money is in this bill and whether it is enough money to fund all of the worthy programs that are out there. I suggest to my colleagues there is a place we can easily go and get at least $1 billion out of this bill and use it for the other programs that have been so eloquently advocated on this floor.

My amendment is simple and straightforward. It essentially prevents the implementation of section 1011 of the prescription drug bill passed by the Congress last year. As my colleagues may recall, this is the controversial provision of the law that provided $1 billion to cover the health care costs of illegal aliens.

It is also important to note that many of these States that are incurring these heavy costs and hospitals inside these States that are incurring these costs for treating illegal aliens, some of these States and some of these localities have helped create their own problems. In many cases, they have taken steps to make themselves magnets for illegal immigration. These health care costs are now burdened by permitting them to obtain driver's license, enroll in institutions, and luckily we stopped the driver's license part, enroll in institutions of higher education at in-State rates, and obtain public services through the use of consular ID cards. So a lot of the burden, as I say, they have brought upon themselves.

But nonetheless, we have gone the next step, then, and we have written regulations. We promulgated regulations and rules designed to implement section 1011, and they certainly fall short of establishing any meaningful accountability for the money, and more importantly, they do not require information sharing with homeland security.

As a matter of fact, on the final page of the payment determination form, it says patients should be aware that the Department of Homeland Security will not access or use information related to medical care to initiate enforcement of United States immigration laws unrelated to an ongoing terrorism or criminal investigation.

There is another part of these regulations that, frankly, I do not recall us debating it when the original amendment was proposed to the Medicare and prescription drug bill. That is one that now allows for not only people who are here illegally to be given services under this act, but people who are here with the 72-hour border crossing card.

In 2002, as I recall, as I have been told, there were already 5 million of these border crossing cards that had been issued. Five million people, mostly, in fact I think entirely, Mexican nationals, are now also eligible for reimbursement under this act, under this section, if they come across the border and choose to access the hospitals in those border States. Again, I do not recall that was part of the original debate, but that is part of the regulations that have been promulgated.

It is a sad irony that many of the Americans who are being asked to cough up to this $1 billion to fund health care costs for illegal aliens and for nationals of another country do not oftentimes have enough money to buy health insurance themselves.

This is a bad giveaway for taxpayers. It sends the wrong message to illegal aliens and Americans alike. It comes at far too high a price. It was wrong when it was passed. It is wrong today.

I hope my colleagues will support the amendment and help save the American taxpayers $1 billion.

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

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

Mr. Chairman, I do rise in the strongest possible opposition to this amendment. It is anti-public health. It undermines current law, and it deserves to be defeated, just as it was defeated last year.

Hospitals and trauma care facilities are required by Federal law to treat anyone who comes into an emergency room, including undocumented immigrants. If hospitals are not reimbursed for this treatment, their very existence is in danger. That threatens the health of everyone. Yet that is exactly what this amendment would do.

It would deny reimbursement to hospitals for care that the government requires them to provide. This is especially dangerous for Americans who live along the border. Let me provide an example.

The Tucson Medical Center in my home State of Arizona, a crucial level 1 trauma facility, shut its doors on its trauma facility because of uncompensated care. Now there is only one trauma center serving all of Tucson, with a population of nearly 1 million people.

I understand that the sponsor of this amendment does not live close to the border, and it may be hard for him to sympathize with those who do. So let me be clear.

This amendment is an attack on our communities. It will shut down hospitals simply because of the Federal Government's inability to secure our border. It will punish Americans by denying them access to care.

Again, the Federal Government mandates that hospitals treat anyone in need of emergency care. If the sponsors of this amendment oppose this, then they should try to change EMTALA, the emergency medical treatment law, that requires that hospitals provide this treatment, change it so they are not required to treat undocumented aliens.

□ 1115

Until then, the Federal Government is responsible for funding its mandates.

So let there be no mistake about this amendment: it will close hospitals, it will close health clinics for Americans who live along the border, and it will result in an unfunded mandate. I am appalled by this proposal. I urge my colleagues to vote against this amendment and vote for hospitals that care for Americans living along our border.

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

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

To the best of my knowledge, there is nothing in the EMTALA Act that requires States and localities to actually pass laws and regulations creating sanctuary States, creating sanctuary cities, becoming magnets for illegal aliens themselves. There is nothing that requires them to do that; yet they do that. Then they come here and say, We are having a problem. It is undeniably true that the problem exists. It is undeniably true that they are being overwhelmed by illegal immigration. It is also undeniably true that much of this is the fault of the Federal Government. I do not deny that for a moment. Nor do I deny that there may be some responsibility here for us to help pay for it.

But what I am saying is you pass a law like this and then you pass regulations that make it completely and totally irrelevant in a way to determine. They say, We don't want to ask. We cannot ask. We will not even ask you if you are here illegally. By the way, even if you aren't here illegally, if you are one of the 5 million people who live in Mexico, Mexican nationals who have a border crossing card, we'll treat you also.

Does that not encourage even more people to come to the United States and obtain these services, putting even more of a burden on these hospitals? Of course it does. These regulations are the problem. They are a significant problem that only exacerbates the underlying problem of massive costs being incurred by these hospitals in these States.

My hope is that if in fact we have to put money into a program like this, we do so only after we have passed meaningful and purposeful regulations, regulations that at least make these hospitals accountable.

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

Mr. Chairman, this amendment is misdirected, misguided, and stupid. If you are out in the woods with a rifle and you are hunting and you shoot at something, it would be nice if you are shooting at the right target.

This amendment does not do anything about illegal immigration. This amendment simply shoots the victim of illegal immigration by damaging the local hospitals. If we have illegal immigrants in this country, it is because of a failure of the Federal Government to effectively enforce its immigration laws. That is the problem.

The problem with the gentleman's amendment is that because he does not like the fact that the Federal Government has been ineffective with respect to immigration, he wants to take it out on the local hospitals. The local hospitals when someone shows up on their door, they have an obligation under the law to treat that patient. If the Federal Government does not pay for the treatment of that patient, then local taxpayers and local hospitals get stuck with the bill.

I have a similar situation in my district. I have a huge percentage of Hmong who have come to this country since the end of the Vietnam War. They came because of a decision of the Federal Government. Yet after they come to my district, after a very few months of Federal support, the financial cost for maintaining them, for educating them and for dealing with their medical needs winds up being assumed by the local government. That is not fair. Local governments do not make the foreign policy decisions that determine who our refugees are, and local governments do not have anything to do with what policies the Federal Government follows with respect to immigration.

I would suggest to the gentleman if you do not like Federal immigration policy, shoot the right messenger. This one shoots the wrong messenger. This amendment deserves to be roundly defeated, unless you believe that somebody should pay for somebody else's mistakes.

Mr. Chairman, I yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I thank the gentleman for yielding.

Mr. Chairman, envision this: an undocumented immigrant suffers from severe chest pains and a nagging cough. Too frightened to seek out medical attention in the beginning, he lets this condition persist. He finds himself in the emergency room of the local hospital. The first order of business for the emergency physician or nurse is not to ask them where it hurts and do a physical exam to see if their life is in imminent danger, but to ask their immigration status and get a sworn statement to that effect.

And if that patient cannot prove their legal status because they do not happen to have the documentation on them, that same doctor must make the choice not to provide care to this person or at least they must report them to immigration officials before providing lifesaving treatment. I ask you, in this universe, what kind of choice is that?

There is no choice in asking a person to choose life or death. This amendment unfairly and wrongly punishes health care professionals for doing what they are ethically and legally obligated to do. Our doctors and nurses do everything they can to help these individuals, regardless of their status, in order to save lives and to nurse them back to health. Today's hospitals are already underfunded, understaffed, and under tremendous pressure to meet the new demands of homeland security preparedness.

I think we can all agree that our Nation's immigration system is broken. It does not meet our security needs, our economic needs, nor does it reflect the American values of strong families and respect for work. However, we will never fix our country's immigration ills by punishing our local hospitals for treating the ill.

I urge my colleagues to vote ''no'' on the Tancredo amendment.

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

Mr. CROWLEY. Mr. Chairman, I thank my friend for yielding me this time, and I thank both the gentleman from Wisconsin (Mr. OBEY) for his comments and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ). I think that this amendment is wrongheaded. I do not believe it will have the effect that the sponsor wants to have, and that is that all undocumented illegal aliens will just ship up and move back home. It plays well on some radio and television stations, but in reality it will have no effect. In the State of New York, our constitution requires that every child be afforded an education, whether that child is a legal citizen and resident or an undocumented alien or their parents are.

TB does not have the ability to discern as to whether someone is documented or undocumented. When that child's mother or father contracts that disease, they give it to their child and their child goes to school. Our children are the ones who are exposed to those diseases. Our children then become the victims of what this amendment would do if it were to pass. This amendment will not have that effect. It will just be a chilling effect on all people who question their status in this country, and they will then not go and get the care that they need to protect the rest of our children.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding time.

Mr. Chairman, I think the salient points have been made here. Our Federal Government says to hospitals, you have to treat whoever comes in your door. It is not the hospital's choice. I have toured the border hospitals. It is not just the border hospitals in Arizona. It is hospitals 100 miles from the border. It is hospitals in Tucson. It is hospitals in Phoenix. It is others. They do not have the luxury of deciding who they are going to treat. Yet this amendment would say, sorry, you have to treat them, and because of our failure to impose control at the border, you are just stuck with the bill. That is simply not right.

Nobody is more convinced than the gentleman from Arizona (Mr. KOLBE) and me of the need for immigration reform. That is why we have proffered legislation to do that. I would challenge those who have offered this amendment, please join us or offer your own legislation. We cannot continue with the status quo. It is just eating us alive in Arizona, not just health care costs but education costs, criminal justice costs, across the board.

But let us find a solution. Let us not simply pretend that it does not exist, pretend that those who are here just do not exist. They do. We have got to do something about it. Let us work together and do it, not just say, hey, unfunded mandate, sorry, got to deal with it. And to say that, Well, let's not entice them further, let's not provide any of the funding until we get immigration reform, tell that to the hospitals who could not survive. They will be closed. They simply are doing what the Federal Government tells them to do in terms of admitting patients and under this they would simply say, Sorry, we can't fund it. We're going to have to close our doors.

I commend the gentleman for opposing the amendment. I join with him, and I encourage all of my colleagues to say, Let's find a solution. Let's have meaningful, comprehensive immigration reform that will deal with issues like this. But let us not bury our heads in the sand.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to this amendment because if passed, this measure will place extreme financial and legal hardships on border and urban hospitals. Because this measure addresses emergency medical care, our hospitals and our doctors are bound by law and their medical oath to treat individuals who are in desperate need of medical attention.

This measure cuts critical funding for our hospitals to cover emergency room care. Due to the high degree of cost associated with this type of care, this amendment will leave hospitals with a choice of two evils, bankruptcy or closing their doors to these communities.

Either way, this measure results in a dramatic cut in access to health care facilities for all residents.

This measure is irresponsible, impractical, and will destroy healthcare in American communities, especially in border states. Therefore, I respectfully ask my colleagues to vote no on this amendment and yes to safeguarding access to health care in all cities.

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

The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FILNER:

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

SEC. _____. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. FILNER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

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

Mr. FILNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, everyone in this House and everyone in this country knows that identity theft is one of the fastest growing crimes of our decade and creates a nightmare for those who become victims. Identity thieves make off with millions of dollars each day, and each day more than a thousand people are being defrauded. We just saw millions of credit card numbers stolen from the Visa and the MasterCard distribution centers. The Federal Trade Commission has said that identity theft is the top consumer complaint. We all know how credit can be destroyed, earned income can be taken, and a rejection for everything from a college loan to a mortgage can be done. And law enforcement will generally not pursue these identity theft cases.

Part of that peril is, in fact, contributed to by the Federal Government. By including Social Security numbers on Medicare cards, the Department of Health and Human Services places millions of Medicare beneficiaries at risk of becoming victims of identity theft.

I have a simple amendment, Mr. Chairman. It prohibits the Department of Health and Human Services from including Social Security numbers on Medicare cards. Many commercial health insurance companies and States have already taken such steps. Some States prohibit companies from displaying Social Security numbers internally and assign consumers unique numbers that would appear on Medicare cards. It is time for the Federal Government to catch up and help protect an individual's personal privacy. Even the GAO has published a number of reports and has concluded that there is no reason why the Social Security number cannot be removed from the Medicare card.

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

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

This would prohibit CMS from spending any funds related to using Social Security numbers on a Medicare identification card. It would really interfere with the operation of the current system. This is a long-time use of Social Security numbers. It is an outgrowth of the claims process. I think it is important from the standpoint of avoiding fraud. The cost of converting the system for 43 million Medicare beneficiaries would be substantial, both in beneficiary education, system reprogramming and related costs. While CMS may well convert to some type of an electronic identification system over time, and I think that will happen, in the meantime to try to make a change at this point would be wrong.

This amendment would limit their ability to effectively deal with it. And, of course, they have got the new drug benefit to implement. I think it is just the wrong time to start tampering with a system that has been in place for a long time.

□ 1130

I would urge Members to vote against that if this amendment comes to a vote.

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

Mr. FILNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman from California (Mr. FILNER) for bringing this very critical issue to the ears and eyes of the Congress as well as the ears and eyes of America.

In Indianapolis, Indiana, we have over 100,000 Medicare recipients, and in Indiana we have over 877,000. And as all of the Members know, the criminals devise ways at all times to break laws and to steal people's identity. People in nursing homes die unexpectedly, and workers, not all of them of course, steal Social Security numbers and abuse them before the Social Security Administration has an opportunity to close down that particular number.

So I appreciate very much this effort. I think it is very vital. And as I read the amendment, it is on new Medicare cards and not ones that exist at the present time. So it would not require an entire overhauling of the Medicare card system to implement this particular amendment.

And I would again commend the gentleman from California (Mr. FILNER) for his insight and foresight in bringing this very vital issue to the Congress.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, although I appreciate the concern of the gentleman from California (Mr. FILNER).

First of all, we all know how important Medicare is to our seniors. Two hundred thousand new beneficiaries sign up every month, and anything that would disrupt their entry up into the system would be a terrible hardship to impose on our seniors. This amendment would actually interfere with the operation of the current system before a new system could be put in place, causing serious disruption in the Medicare program in the enrollment process for new beneficiaries.

That much said, CMS does share the gentleman's concern and is in the process of examining this issue. That

project is currently in the information-gathering phase, focusing on identifying all of the systems and entities and understanding the nature of the transactions that rely on a beneficiary identifier. There are many parties involved, with a variety of information claims processing and data exchange systems, and once they get this base research done, they can move forward on reforming the use of the Social Security system. I would tell the Members that in the new drug plan they do not use the Social Security identifier.

So I would urge the gentleman to maintain his interest in this subject to work with the committee as we oversee CMS's gathering of this material and evaluation of this problem; and the fact that they have managed to develop the drug plan without using a Social Security identifier indicates to us that they will take the time and invest the resources to change the base underlying system. But any radical change to that system will deny current beneficiaries coming into the system, month by month, their benefits.

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

I find it strange that the distinguished chairman and the distinguished chairwoman, both of whom are well known for their support of Medicare, Social Security, and seniors in this Nation would object to what is really just a bureaucratic change, a change that can be done through computers in a very quick fashion.

The Department of Health and Human Services has said that the health insurance claim number that they use is merely a variation of the recipient's Social Security number, not the actual number, and has noted that the number may be based on the Social Security number of a spouse or parent. However, more often than not, the number the agency uses is the person's Social Security, preceded or followed by a single letter of the alphabet. The agency has said it has no immediate plans to stop this practice. What more can the Department of Health and Human Services do to the theft of our identity? Give thieves and unscrupulous people mothers' maiden names?

Not so long ago, I would tell the chairman, we experienced the same problem with the mailing labels sent to us from the IRS. I was told there was no way the IRS would change its practice and any disruption would disrupt the whole tax collection system of the Nation. I found that incomprehensible, simply a defense of bureaucratic inertia, and said that they can change a computer system very quickly so booklets that would be mailed out to millions of Americans would not have the Social Security number. I introduced a similar bill to stop the IRS from putting Social Security numbers on its mailings, and the IRS found a way in short time to stop the practice that could lead to identity theft.

There is simply no excuse, Mr. Chairman, for leaving Medicare beneficiaries vulnerable to identity theft with a thinly disguised Social Security number on Medicare-related mailings. This is merely bureaucratic inertia. It only requires a computer software change. No benefits to Medicare or Social Security will be held up. It is about time this Congress said to a bureaucracy, cut the fooling around, break through the red tape, and protect our seniors and all our families in America from identity theft.

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

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

Mr. Chairman, I simply want to say that I rise in support of the gentleman's amendment. I would fully grant that I think there is a problem with the timetable associated with the amendment because of its immediacy, but the fact is that under the rules of the House, the gentleman had no choice but to draw the amendment that way in order for it to be eligible to be offered as an amendment.

The committee, if it so chooses, can easily fix this problem in conference. It can easily delay the effective date of the gentleman's amendment, and I think that is what we ought to do. I think the Social Security Administration, I think the Federal Government, I think the Pentagon, I think our banks and other financial institutions, have been incredibly reckless in protecting the privacy of American citizens. And we are increasingly going to see this as a huge problem, and we are also going to see identity theft mount exponentially.

I congratulate the gentleman for trying to do something about it. That is more than one can say for most of this Congress. And if there are technical problems, this committee, if it is worth its salt, can easily have them fixed before the bill is reported back in conference.

I urge support for the amendment.

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

I understand what the gentleman from Wisconsin (Mr. OBEY) is saying, and the gentleman from Wisconsin (Mr. OBEY) will be a conferee, and it is something we probably need to discuss there. But in the meantime, there are 43 million people who are on Medicare. We add 200,000 every month, and I would like to get more information from CMS as to just what impact this would have in terms of cost and their ability to manage the system.

The key to this is that we want the system managed as effectively as possible, and all of us as Members hear from time to time from people who are not getting their Medicare claims taken care of or they are having problems with Medicare. So some system of keeping track of these and to identify them, we can imagine with 43 million people, it is not easy.

So I would hope the gentleman would withdraw his amendment and I would work with the gentleman from Wisconsin (Mr. OBEY) in conference to see if there is some way we can refine this language, and I would like to discuss it with the Medicare people, with CMS, to see what the impact would be or whether a workable system that would ensure privacy could be put in place.

For that reason I would oppose the amendment if there is a vote on it.

Mr. STEARNS. Mr. Speaker, I rise today to support the gentleman from California's amendment.

The public, whether shoppers, investors, or Medicare beneficiaries, should be confident that their personal information is secure, and it is obvious from recently revealed breaches that more must be done to protect consumer data. As Chairman of the Commerce, Trade & Consumer Protection Subcommittee, I have held many hearings on data breaches and consumer data security and showed broad support for a comprehensive federal notification requirement to consumers for these security breaches. According to the Federal Trade Commission, 27.3 million Americans have been victims of identity theft in the last five years, and the Social Security Number is one of the primary tools.

Private health insurers do not rely on the SS No., and neither should our Nation's health provider for seniors and the disabled. A non-identifying, random, set of characters can be generated that would be less meaningful to an individual's entire financial . . . The GAO is well-published on the risk of using SS Nos., and the facility with which the Centers for Medicare and Medicaid Services (CMS) could assign an alternate number.

I support the gentleman's amendment and urge my colleagues to do so.

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from California (Mr. FILNER).

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

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

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

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

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

SEC. _____ None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to state my appreciation for the work done by the gentleman from Ohio (Mr. REGULA), committee chairman, on this overall bill and his work and cooperation at all levels and the flexibility that he has demonstrated in the interests across this broad country.

I bring before this Congress an amendment that addresses an issue that Americans understand, and it is an issue that I think Congress needs to understand maybe more thoroughly than they do at this point. And that is that government has a role in promoting the general welfare in the United States, but we have gone past that role; and now with our Medicaid and Medicare funding, we are opposed to be purchasing sexual impotence drugs with taxpayers' dollars all across this country. We have been doing so since 1998 with regard to Medicaid, and now CMS is poised to do so also with Medicare. That will be implemented in January, simply 6 months from now, and if we are not able to put a stop to this bureaucratic decision, then we will be down the slippery slope of millions of people who believe the entitlement is taxpayer-funded recreational sex drugs.

So my amendment simply prohibits any use of any of the resources or funds provided in this act from being used for the administration or funding of Viagra, Levitra and Cialis. It is that simple. It is something that I think we have a consensus on.

Mr. Chairman, I reserve the balance my time.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

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

I just want to discuss it. I do not think anyone has asked to claim time in opposition at this juncture.

As the Members know, the bill already has a provision restricting health programs from paying for impotence drugs for sex offenders. This amendment simply takes the provision a step further by prohibiting the payment for all beneficiaries.

The authorizing committee has been discussing it with the Member, and apparently there has been no resolution. So perhaps this is one that Members ought to make a judgment on. I think the issue is fairly clear as it has been framed by the sponsor. And if he were to ask for a vote, that would be an appropriate thing to do at this juncture.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I do rise in strong opposition to this amendment. I certainly support denying impotence drugs to sex offenders, but to arbitrarily eliminate any class of drugs from a formulary, first of all, sets a terrible precedent and has the same potential for mischief as State mandates on health plans have demonstrated is possible. So the precedent being set here is one I object to.

□ 1145

But much more important, these drugs are often medically necessary. ED drugs help men who have lost sexual function caused by prostate cancer, diabetes, multiple sclerosis, nerve damage, or cardiac conditions. It is important that these drugs are available when they are medically appropriate and there is no evidence of abuse for medically appropriate situations. They are not sold over the counter, they are prescription, must be prescribed by a physician, and they are so important in the cases where they are medically needed, that it would be, in my mind, a gross disservice to our seniors to automatically deny them access under our prescription drug program to these drugs.

First of all, where does this approval end? We do not say to seniors, we will not prescribe cholesterol medications for you or drugs for high blood pressure until you have changed your diet and exercised. Yet diet and exercise could eliminate the need for taxpayer-funded drugs in many categories, but we do not require that.

Secondly, we are very interested in, and increasingly interested in, early identification and prevention of serious illness, and sexual dysfunction is often an early sign of other very serious conditions. Those diseases may go untreated and undetected if there is no need to go to the doctor to talk about impotence, to evaluate the causes of impotence and, therefore, be entitled to the prescription. So it interferes with early diagnosis and prevention in certain diseases.

It is also extremely important to consider this issue in the context of mental health and the costs of mental health in our elderly population. Certainly, in a long-term marriage, a healthy sexual relationship is important to the strength of that relationship and important to the mental health of the people involved. Would we rather pay for depression treatment, or would we rather have that couple eligible for the kind of medications that the gentleman wishes to ban from the Medicare program?

So if we take a holistic approach to health and remember that mental health is important to reducing the cost of physical disease and that early identification and prevention of serious health problems is extremely important to lowering the long-term costs of Medicare and giving the program sustainability that is crucial to the well-being of our seniors, then my colleagues will vote against this amendment, even though I appreciate that, superficially and politically, voting for it would be a desirable vote.

I would urge my colleagues to oppose the availability of these drugs for sex offenders. I would urge my colleagues to oppose eliminating them from the Medicare formulas, because they are often medically appropriate and they are important to the long-term health and well-being and early identification of disease in our seniors.

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

Mr. Chairman, I think the gentlewoman from Connecticut has indicated correctly that there are a number of technical problems with this amendment; yet I think I know that if there is a roll call, it will be passed overwhelmingly.

So what I would suggest in the interest of time, unless we want to stay here until midnight, is to simply accept a number of these amendments which we know have significant technical flaws, but which can be corrected in conference. Otherwise, we are going to have a lot of meaningless debates, and they will simply consume a lot of time, and we will wind up in the same place.

So what I would simply urge is that the committee accept the amendment, recognizing that it needs to be fixed substantially in conference, and deal with some of the very practical problems just laid out by the gentlewoman.

Mr. KING of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

I support this amendment, even though I can fully understand where the gentlewoman from Connecticut and the gentleman from Wisconsin are coming from. But part of the problem we are trying to address here goes back to the Medicare prescription drug legislation which requires that the Federal Government pay the full retail cost of these drugs.

A substantial part of the cost of these ED drugs is attributable to TV advertising. They are spending approximately a half a billion dollars a year on television advertising, saturating the airwaves during family viewing hours when they know the parents and the kids are sitting in front of the television; and now the taxpayer is going to be paying for this cost of advertising. That is the difficulty.

While I understand that we do not want to go down a slippery slope, bear in mind that when we start including these lifestyle drugs in Medicare, that is money that could be spent against cancer and heart disease and Alzheimer's and all the higher priorities that we ought to be using Medicare trust funds for.

So I support the gentleman. I do not think that ED is a health care priority. But the larger issue is should the taxpayers be required to pay for TV advertising, much of which is inappropriate in its message. I did not have any problem, I have to say, when Bob Dole was

the pitch man; nobody would, except maybe Elizabeth for sharing more than the world necessarily needed to know about their personal lives.

But the point is, these ads on TV today are offensive, and we are spending half a billion dollars on them. The American public does not want them saturating the airwaves, and they certainly do not want to be paying for them; and unless this amendment passes, they will be paying for them.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, I speak in rabid opposition to this amendment, not because I oppose the total intent of it, but because it is legislating on an appropriations bill. If it were to pass and remain in the bill, it would make the Committee on Energy and Commerce much more difficult on reconciliation.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from the State of Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, those who believe in privacy and not being dictated to by the U.S. Congress in their most private, intimate decisions should vote against this amendment.

Two friends of mine my age recently went in for prostate treatment. When you go in for prostate cancer, they tell you you have a choice of various alternatives. Some may give you a higher chance of survival, but also a higher chance of impotency.

A University of Chicago study showed that if you tell men that they have a chance of impotency that cannot be cured because you do not have access to these ED drugs, they will, 68 percent of the time, take surgery that could lessen their chances of survival. This is not recreation. These are helping men make decisions that are going to help prolong their lives. We should reject this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself the remaining time.

To bring this towards a close, as I listen to this debate, I think it is clear to us that this is an inappropriate investment on the part of taxpayers' dollars for us to compel the taxpayers to pay for sexual impotency drugs. I take issue with some of the statements made, for example, no evidence of abuse for medically appropriate situations exist. Certainly it does.

I recognize that the amendment of the gentleman from California (Mr. DOOLITTLE) in the bill addresses some of the abuse, and that is the abuse of these prescriptions going into the hands of sexual predators, rapists, and child molesters. Now, this amendment would not be necessary to do that, but there is other abuse that goes beyond that. There is record of abuse that existed.

No one paid any attention, until I raised this issue last November and December, and the traction has not been there for a policy change. That is why I need to bring this amendment here in the only fashion that I can with the leverage I have in this Congress.

We will spend, over the next 10 years, over $2 billion, our CBO score runs it up over $2 billion, and $105 million in this next year.

This is, as the gentleman from Virginia said, the only opportunity that we have to stop this funding under Medicare and also to stop the balance of this funding under Medicaid before such time as it becomes a huge entitlement.

There are only two reasons for sex, there has only been, and one of them is for procreation. We do not subsidize any kind of fertility drugs under any kind of Medicare or Medicaid, because we decided that that is inappropriate. So we do not either subsidize procreational sex. Recreation is another thing. We do not subsidize the recreation of others either. So under either one of those categories, this is wrong.

I urge the adoption of this amendment against Federal funding for Viagra, Cialis, and Levitra.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman will state his parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, I rushed over here in a big rush hoping to get some time to speak against what I think is a very, very bad amendment and bad public policy. It is my understanding that there is no time left to speak in opposition to this amendment.

The Acting CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. KING) will be postponed.

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

Mr. Chairman, I do so so that I can facilitate a colloquy between the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Ohio (Mr. REGULA), and I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

As the gentleman knows, HHS at one time conducted a program on Gulf War illnesses research. And the gentleman also knows that, according to the congressionally chartered Research Advisory Committee on Gulf War Veterans' Illnesses, there has never been a better time to invest in this research. The potential causes have been narrowed, more diseases are being discovered, parallel benefits to national security are more urgently needed, and there is still no treatment for our ill veterans.

Would the gentleman agree to work with the agency and me to encourage NIH to establish its research portfolio in this area?

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman calling to our attention the recent report of the Department of Veterans Affairs about the research opportunities in Gulf War illness research. NIH has conducted research in this area in the past, largely through the National Institute of Environmental Health Sciences. The gentleman describes opportunities in neuroscience research that might most appropriately reside in the National Institute for Neurological Disorders and Stroke.

We would be pleased to ask the director of NIH to report to us what research NIH currently plans to conduct during the fiscal year 2006 that addresses the priority areas the DVA report identifies. In our hearings next year, we will conduct a line of questioning to learn more about NIH's commitment to this area of research.

Mr. KUCINICH. Mr. Chairman, I want to thank my colleague, the gentleman from Ohio, and also express my appreciation to the gentleman from Wisconsin for yielding.

Mr. OBEY. Mr. Chairman, I thank the gentleman for raising this issue.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HEFLEY:

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

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $1,425,140,000.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

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

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

I do not want to take a lot of time for this because I think we all know the scenario that is the result of this, but I do want to make the point again.

What I am rising to do is to cut the level of funding in this appropriation bill by 1 percent. This amount equals $1.425 billion, which represents only one penny off of every dollar.

This is not an across-the-board cut. The way it is structured, it lets the Department decide where this money should come from.

As most Members are aware, I have offered a series of these amendments over many appropriation bills. We need to draw the line; and the budget we have for the next year is too large, and we can do something about the deficit right now. By voting for my amendment, you are stating to the American taxpayers that they should not have to pay higher taxes in the future, because we can control our spending today. As hard as the chairman and ranking member have worked on this bill, there are still many wonderful things in the bill, very meritorious things in the bill, but things that do not have to be done, some of them.

□ 1200

This fiscal year's 2006 Labor-HHS appropriations bill provides over $142.5 billion in total discretionary resources. And we have seen discretionary spending increase in this bill by an average of more than 5 percent a year over the last 5 years, even though it is less this year than it was last year. I commend the committee and the chairman on that.

This bill spends $924 million over the President's request. Our budget should be no different than our individual budgets at home. When we have less money, we spend less money. I would encourage support of the Hefley amendment.

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

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

Mr. Chairman, I yield myself as much time as I may consume.

Mr Chairman, I will not take much time. I think all of the Members are familiar with this. It has been on the docket before. And the problem with this type of an amendment, it goes across the board, as the gentleman from Colorado (Mr. HEFLEY) said.

There are many great programs in this bill. And the way this amendment is crafted, it hits the good with the indifferent and with those that are maybe not so desirable. So I would oppose the amendment. I would hope my colleagues would agree in voting against this if it were brought up on a roll call vote.

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

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

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

SEC. ____. None of the funds made available in this Act may be used—

(1) by any department, agency, officer, or employee (as defined by section 5701 of title 5, United States Code) of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services in violation of section 398(c) of the Communications Act of 1934 (47 U.S.C. 398(c)); or

(2) in violation of section 396(a) of such Act (47 U.S.C. 396(a)).

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

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

Mr. Chairman, Congress created the Corporation for Public Broadcasting in 1967 to encourage the development of a public broadcasting system, and just as importantly, to shield public broadcasting from any political interference.

Despite this clear directive, Kenneth Tomlinson, the chairman of the corporation, has engaged in a deliberate campaign to politicize public broadcasting and interfere with the content of public television and radio stations across the country.

Mr. Tomlinson is essentially warning public broadcasters, conform to his ideology or he will cut off their funding. This is political intimidation in the truest and worst sense of the term, and we must stamp it out today with this amendment.

This amendment would prohibit Mr. Tomlinson, who is considered a part-time government employee because of his position as chairman of the board of broadcasting governors, from exercising direction, supervision, or control over the content or distribution of public telecommunications programs and services.

It also prohibits the CPB from violating the policies set forth by Congress, which include a prohibition on outside interference. The United States of America is already suffering from a shortage of independent voices in the media.

Public broadcasting remains one of the outlets available that offer high-quality, unbiased, independent reporting, which is why we must ensure its independence from political tampering. It is a shame that this even has to come up. But the actions of Kenneth Tomlinson demand that this amendment be brought before the House.

At the rate Tomlinson is going, it is only a matter of time before he changes PBS' name to FOX–2, and starts forcing Big Bird and Elmo to talk about the merits of the war in Iraq or the value of privatizing Social Security.

We must have independent public broadcasting that reports the facts and holds both Democrats and Republicans accountable for their actions. Mr. Chairman, I urge the adoption of this amendment.

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

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

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in as strong as possible opposition to the Hinchey amendment. We have public television today, and I am very proud that we do. Public television used to say that they had a reason to exist, because if they did not exist, who would provide the public aspect of some of our television programming?

That was an effective argument 30 years ago, and to some extent it is still effective today. But whereas yesterday the PBS station in the local market was maybe the third or fourth station, today it may be one of dozens of stations, and if you count cable, it may be one of hundreds. So the argument for continuing to spend taxpayer money for public television is not quite as strong as it used to be.

Having said that, I think there is a role for public television in the marketplace. We are now led to believe, though, that for some reason, the current head of public television is trying to move public television, you know, to the right. I disagree with that.

In last year's Presidential debates, I am told that many, many viewers who watched not the debates but the campaigns, seemed to think that NPR was simply for the Bush-haters. In fact, I had a constituent come up to me and say, well, we have now heard from the Bush-haters after listening to an NPR news commentary.

Rightly or wrongly, a lot of people where I come from think that NPR represents the left. I know that is exactly the opposite of what my friend, the gentleman from New York (Mr. HINCHEY) thinks.

The Corporation for Public Broadcasting allocates Federal funds for public radio and television. It is about 4 percent of the total funding that they receive, if my numbers are correct. I do not have a problem with this. I do not have a problem with Mr. OBEY's amendment yesterday that restored funding to PBS.

Having said that, I think the gentleman from Ohio (Mr. REGULA) and the full committee were right to reduce funding, because their committee's budget was short billions of dollars and they simply subjected the Corporation for Public Broadcasting to the same scrutiny that they subjected all of the other programs under their subcommittee's jurisdiction.

I commend the gentleman from Ohio (Mr. REGULA) for doing that. What we

really have here, in my opinion, is to some extent perhaps a personal vendetta against the current head of CPB, a gentleman named Mr. Tomlinson. He apparently has riled some feathers.

He apparently, in trying to be balanced, is, to some of my friends on the other side of the aisle, indicating that he is maybe going too far. I disagree with that. I think he is an honorable man. I think he is trying to do the right thing.

I think the gentleman from New York (Mr. HINCHEY's) amendment is well intentioned, as it appears to be, could be perceived by some, as just trying to stop somebody from doing their job to provide a fair, balanced approach for our funds that are spent by the CPB.

Mr. Chairman, I hope that we would adhere to the committee position and oppose the Hinchey amendment.

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

Mr. Chairman, the gentleman said, for some reason we think that Mr. Tomlinson is being political. I wonder why? Mr. Tomlinson is the follow who said that public radio stations should get in line with the Republican election victory.

Mr. Tomlinson is the person who appointed a consultant in order to try to measure the number of instances when people on PBS programs were, quote, anti-Bush or, quote, anti-DELAY.

Mr. Tomlinson is the person who recommended the appointment to head the Corporation of a former cochairman of the Republican National Committee. If Bill Clinton had appointed the former Democratic National Chairman to the public broadcasting board, the other side would be having a conniption fit. The other side would be screaming in outrage and passing out motions of impeachment; they have had a lot of practice at that.

It is also Mr. Tomlinson who was reported to have worked to raise money in order to put the Wall Street Journal editorial board on public broadcasting. Now, there is an objective operation for you.

I would also suggest that what is at work here is something broader than Mr. Tomlinson. What I think is happening is this, Mr. Chairman. I think we have a ''thought police'' brigade loose around the country. And we have seen evidence of it in a number of places.

We saw it in the Schiavo case, where the Republican majority tried to tell every American family how they had to handle an end-of-life decision. Then we saw it in the efforts of the majority leader, the gentleman from Texas (Mr. DELAY), who fired a shot at every judge in the country who had the temerity to think for themselves, warning them if they did not toe the line, he would go after their jurisdiction.

And then you have this effort to appoint the chairman of the Republican National Committee as head of public broadcasting. And then I wonder why the American people get a little nervous about the thought police at work.

The fact is that every public opinion poll shows that the American people have more confidence in the objectivity of public television and public radio than they do any other news outlet, and certainly more confidence in their objectivity than they have in us as a body.

We have hit a new low recently in terms of public approval of the way this Congress is operating, I would say with good reason, because this Congress spends so much time worrying about things that affect itself rather than worry about things that affect the American people.

So I think there is a very good reason for the gentleman's amendment. I regret that there is a necessity to bring it up. But I do think that Mr. Tomlinson is primarily responsible for politicizing this entire issue.

Mr. Chairman, I do not mind seeing Republicans on public broadcasting. I do not think there was a better show on television than Bill Buckleys's program through the years. Bill Buckley had a huge intellect, and I think the country was served by the programs that he had on that program for many years.

I do not think the country is served well when Mr. Tomlinson takes upon himself the duty of being the thought policeman for the entire country on public television. That crosses the line. He ought to go. He ought to resign. This Congress ought to demand that he do so.

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

Mr. REGULA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I think Mr. BARTON made the case in opposition to this. And for that reason, I would urge my colleagues to vote against this amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, Mr. Tomlinson ought to go. Mr. Tomlinson had people do some polls. What they found on these polls is 80 percent of Americans say PBS is fair and balanced; 90 percent said they had high-quality programming, more than any channel, as the gentleman from Wisconsin (Mr. OBEY) has pointed out.

But Mr. Tomlinson did not reveal those results to anybody. He kept it all to himself. You bet there is bias at CPB. It is embodied in this chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. How the House can best aid public broadcasting would be to vote this amendment and for the President of CPB to submit his resignation.

Yesterday, this body voted by a substantial margin to restore funding for public broadcasting. We did so after an unprecedented outpouring of public sentiment. Over 1 million people signed petitions within one week's time—proving Americans demand their public broadcasting continue. But we did so mainly because it was the right thing to do.

For almost 40 years, only one television channel among the 500 operating today has consistently been regarded by the public as the gold standard of broadcasting.

Chairman Tomlinson discovered that for himself when he hired the right-leaning Tarrance group to investigate claims of bias. After conducting two ''National Public Opinions,'' his handpicked pollsters found that 80 percent of Americans saw PBS as ''fair and balanced,'' while 90 percent believed that PBS ''provides high quality programming.'' Further, a majority of respondents called PBS ''more trustworthy than CNN, Fox News Channel and other mainstream news outlets.''

Does it surprise anyone to hear that Chairman Tomlinson did not reveal the results in his annual report to Congress—or even to PBS and NPR? Yes, there is bias in action at CPB. It's embodied in its chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. That's how the House can best aid public broadcasting. What the chairman could do for CPB is to submit his resignation.

□ 1215

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I agree with my colleagues that Mr. Tomlinson needs to go, because yesterday Patricia Harrison, who was the former cochairman of the National Republican Committee, was selected as the next president. He has secretly coordinated with a White House official to formulate guiding principles for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content.

Our first amendment rights are being eroded away and we can see through that. There needs to be transparency.

Mr. Chairman, once again our public broadcasting system is under attack by reactionary forces inside the beltway. This time, it is suffering a two-pronged assault; one on content, one on funding, and both politically motivated.

Congressman HINCHEY and I are offering an amendment to reinforce existing law and buffer PBS from the kind of political attacks that Corporation of Public Broadcasting (CPB) Chairman, Kenneth Tomlinson, has brought upon Big Bird and Elmo. Mr. Tomlinson has revealed his personal crusade to discredit and destroy public broadcasting by unjustly accusing PBS and NPR of liberal bias, and working behind the scenes to stack the CPB's board and executive offices with operatives who share his ideological views.

Yesterday, Patricia Harrison, the former co-chairwoman of the Republican National Committee, was elected as CPB's next president. Mr. Tomlinson also secretly coordinated with a White House official to formulate ''guiding principles'' for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Tomlinson suppressed a public poll showing that 80 percent of Americans judge PBS to be ''fair and balanced'', compared to network and cable television.

Tomlinson, also diverted taxpayers' money to hire a partisan researcher for a stealth study to track so called "anti-Bush" and "anti-Tom DeLay" comments (by the guests) of "NOW with Bill Moyers"—a move that currently is being investigated by the Inspector General.

Mr. Chairman, the law is clear on this. The Public Broadcasting Act of 1967 clearly forbids "any direction, supervision, or control over the content or distribution of public telecommunications programs and services." Congress established the Corporation for Public Broadcasting to "encourage the development of public radio and television broadcasting" and to "afford (public broadcasting) maximum protection from extraneous interference and control." Under the direction of Tomlinson, however, the CPB has engaged in a deliberate campaign to inject politics into public broadcasting.

The taxpayer-funded CPB is supposed to serve as a firewall between Washington DC politics and public broadcasting. Mr. Chairman, we must take the politics out of public broadcasting—and put the public back in. Our amendment will prohibit the CPB President from exercising any direction, supervision, or control over the content or distribution of public broadcasting. It would also reaffirm the long-standing policy that public broadcasting must be free from outside interference. This is about the future of a vital public trust, a resource that is owned and enjoyed by everyone, and not allowing it to be hijacked by the nefarious agenda of a few political operatives. It is a shame that it has even come to arguing for safeguards we used to take for granted, but the actions of Mr. Tomlinson demand it. I urge my colleagues to support our amendment.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, the gentleman from New York's (Mr. HINCHEY) amendment just restates existing law. What Ken Tomlinson wants to do is turn NPR into the NRC, the National Republican Committee, rather than National Public Radio. That is what it is all about.

CPB used to stand for Corporation for Public Broadcasting. Now it will stand for Corporation for Political Boondoggles, as this Republican administration seeks to politicize something that in all national polling is the most respected news outlet in the United States of America.

This is wrong. Support the Hinchey amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last words.

Mr. Chairman, we oppose this amendment. There is already language in the Public Broadcasting Act of 1967 that prevents the Corporation for Public Broadcasting from controlling the content of public broadcasting services.

I do not see why this language is necessary today. The law is already there. You have different points of view as to what is the characteristics of public broadcasting, and that is conservative, liberal or whatever. I think this amendment is unnecessary in light of current law. Let CPB do its job and stop trying to politicize it.

I will point out one further thing. This amendment would negatively impact on CPB's ability to assist in the production of quality educational programming. For example, if this amendment were to be law, if Ken Burns, whom we all are familiar with, were to serve as a consultant to the National Park Service on battlefield conservation, he then would be prohibited from producing any documentaries for PBS or local public TV stations. The amendment would alter public broadcasting's authorization that is presently in the law, and I think it would cripple the abilities of CPB to do what our colleagues on the other side of the aisle want it to do, and that is to be an objective medium, to present all sides of every issue, and not attempt to politicize the message.

With the present law, it seems to me that there is no need for this amendment. I urge my colleagues to vote against it if we do have a roll call vote.

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

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from New York (Mr. HINCHEY) has 30 seconds remaining.

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

Mr. Chairman, my favorite quote from Abraham Lincoln is this: You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time.

I think that this House ought to understand that because that is what is trying to be done here. They are trying to fool all of the people all of the time. They have done it with Iraq, they are trying to do it with Social Security, and now they are trying to do it by controlling the airwaves, controlling the information that people get, and most recently by politicizing public broadcasting.

The law that my good, dear friend, the gentleman from Ohio (Mr. REGULA), just mentioned is not being enforced. That is the problem. That is why we have this amendment. That is why we need its passage.

Public broadcasting should not be political. It needs to be objective and reliable. Pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting 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 by the gentleman from Georgia (Mr. PRICE); amendment by the gentleman from California (Mr. GEORGE MILLER); amendment by the gentleman from Ohio (Mr. BROWN); amendment No. 8 by the gentleman from California (Mr. FILNER); amendment by the gentleman from Iowa (Mr. KING); amendment No. 16 by the gentleman from Colorado (Mr. HEFLEY); amendment by the gentleman from New York (Mr. HINCHEY).

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

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 298, not voting 33, as follows:

[Roll No. 308]

AYES—102

Akin
Barrett (SC)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Cannon
Carter
Chocola
Coble
Cox
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
English (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Herger
Hostettler
Hulshof
Inglis (SC)
Istook
Jindal
Johnson (CT)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Pombo
Price (GA)
Radanovich
Ramstad
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)

Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rangel
Regula
Rehberg
Reichert
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Chabot
Davis, Tom
Delahunt
Evans
Fattah
Gohmert
Gutierrez
Harman
Honda
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Taylor (NC)
Towns
Udall (NM)
Wexler
Whitfield
Wicker
Wilson (NM)
Young (FL)

□ 1243

Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DRAKE, Ms. KAPTUR, and Messrs. POE, GORDON and MELANCON changed their vote from ''aye'' to ''no.''

Messrs. SULLIVAN, CARTER, CALVERT, CHOCOLA, CUELLAR, FOLEY, KING of Iowa, SMITH of Texas, HALL, HERGER, MARCHANT, TANCREDO, Mrs. EMERSON, Ms. GINNY BROWN-WAITE of Florida, and Mrs. BLACKBURN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) 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—ayes 219, noes 185, not voting 29, as follows:

[Roll No. 309]

AYES—219

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)

Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—29

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Cox
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Pickering
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Whitfield
Wilson (NM)
Young (FL)

□ 1252

Mr. SCHWARZ of Michigan changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BROWN) 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—ayes 170, noes 237, not voting 26, as follows:

[Roll No. 310]

AYES—170

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—26

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Marchant
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1300

Mr. TANNER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) 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—ayes 314, noes 94, not voting 25, as follows:

[Roll No. 311]

AYES—314

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harris
Hastings (FL)
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood

Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn
Young (AK)

NOES—94

Aderholt
Akin
Alexander
Bachus
Baker
Bass
Biggert
Bilirakis
Bonilla
Bono
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Cantor
Chocola
Coble
Crenshaw
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Franks (AZ)
Gilchrest
Gutknecht
Hart
Hastings (WA)
Hayes
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Kanjorski
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaTourette
Lewis (CA)
Manzullo
McCrery
McHenry
McKeon
Mica
Miller, Gary
Myrick
Norwood
Nunes
Osborne
Oxley
Pearce
Pitts
Porter
Pryce (OH)
Radanovich
Regula
Rohrabacher
Ros-Lehtinen
Royce
Sabo
Saxton
Shaw
Shays
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Taylor (NC)
Thomas
Tiahrt
Tiberi
Walden (OR)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOT VOTING—25

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1309

Mr. KING of New York and Mr. PUTNAM changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) 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—ayes 285, noes 121, not voting 27, as follows:

[Roll No. 312]

AYES—285

Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp
Cannon
Cantor
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Wu

NOES—121

Abercrombie
Ackerman
Bachus
Baird
Barton (TX)
Bean
Berkley
Berman
Blumenauer
Boehlert
Bono
Brown (OH)
Burgess
Butterfield
Buyer
Capps
Capuano
Carnahan
Case
Clay
Costa
Cubin
Cunningham
Davis (CA)
Davis (IL)
Deal (GA)
DeGette
Dicks
Ehlers
Engel
Evans
Farr
Ferguson
Filner
Fossella
Gilchrest
Gonzalez
Grijalva
Harris
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Langevin
Larson (CT)
Latham
Lee
Levin
Lowey
Lynch
Mack
Maloney
Markey
Marshall
McCollum (MN)
McCrery
McDermott
McHugh
McMorris
McNulty
Meehan
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norwood
Ortiz
Osborne
Owens
Pallone
Pastor
Payne
Price (GA)
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Snyder
Stark
Sweeney
Tauscher
Thomas
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Whitfield
Woolsey
Wynn
Young (AK)

NOT VOTING—27

Andrews
Bartlett (MD)
Becerra
Bonilla
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1318

Mr. FRELINGHUYSEN changed his vote from ''no'' to ''aye.''

Mr. GEORGE MILLER of California and Ms. LEE changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above reported.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) 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—ayes 84, noes 323, not voting 26, as follows:

[Roll No. 313]

AYES—84

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Jenkins
Jindal
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCotter
McHenry
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—323

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—26

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1326

Mr. SULLIVAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) 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—ayes 187, noes 218, not voting 28, as follows:

[Roll No. 314]

AYES—187

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Shays
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—28

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kaptur
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Scott (VA)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1333

Mr. HALL changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Chairman, I was unavoidable detained on official business this morning. I was in West Virginia with Chairman Anthony Princippi, and over West Virginia delegation to discuss BRAC recommendations. I missed rollcall vote 308 through 314. Had I been present, I would have voted in the following manner: rollcall vote 308: ''nay''; rollcall vote 309: ''yea''; rollcall vote 310: ''yea''; rollcall vote 311: ''yea''; rollcall vote 312: ''yea''; rollcall vote 313: ''nay''; and rollcall vote 314: ''yea''.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Chairman, I was regrettably delayed in my return to Washington, DC from an official visit to Norfolk Naval Station, Virginia and was unable to be on the House floor for rollcall votes 308 to 314. Had I been present, I would have voted ''nay'' on rollcall 308, an amendment offered by Representative PRICE (GA); ''yea'' on rollcall 309, an amendment offered by Representative MILLER (CA); ''nay'' on rollcall 310, an amendment offered by Representative BROWN (OH); ''yea'' on rollcall 311, an amendment offered by Representative FILNER; ''nay'' on rollcall 312, an amendment offered by Representative KING (IA); ''nay'' on rollcall 313, an amendment offered by Representative HEFLEY; and, ''nay'' on rollcall 314, an amendment offered by Representative HINCHEY.

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

Mr. Chairman, many of my colleagues have asked about time, and it is pretty difficult to just quantify exactly where we will be. We have six or seven amendments yet to go and possibly a motion to recommit. The gentleman from Wisconsin (Mr. OBEY) is indicating there will be, so we can draw our own conclusions as to what kind of a time number we are looking at, with that many amendments and with a motion to recommit.

While we are trying to get some of the mechanics here of the en bloc amendment worked out, I would just like to comment that this bill does some really good things in education, and I think this is something that we are all interested in.

I do not know if any of my colleagues have read Tom Friedman's book in which he points out the flat Earth, how important education is to the Nation's future. I mentioned yesterday Dave Broder's column in which they polled Americans who said that they thought that the most significant thing in the success of the United States was our educational system.

So it was a great thing, and I believe Thomas Jefferson was the person who, and I am not sure of that, who developed the idea of a free public education, which was pioneering at the time because there was not anything like it in the rest of the world. Many others have duplicated it or some copy thereof. But I do think that what we have tried to do with this bill is to emphasize good teachers, good principals, good schools.

I have said many times that I have three goals on the committee. One was to get a good teacher in every classroom and with that, a good principal in every building and a good superintendent. Secondly was to lower the dropout rate. I think it is tragic that 32 percent of our students nationwide do not finish high school. Thirdly is to ensure that every child learns to read. I believe that the dropout rate is a result, in part, of the fact that people do not learn to read early in their educational experience.

AMENDMENTS EN BLOC OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. REGULA:

Page 2, line 12, after the dollar amount, insert the following: ''(increased by $58,000,000)''.

Page 22, line 2, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 22, line 8, after the dollar amount, insert the following: ''(increased by $500,000)''.

Page 22, line 12, after the first dollar amount, insert the following: ''(increased by $3,000,000)''.

Page 45, line 10, after the dollar amount, insert the following: ''(increased by $22,000,000)''.

Page 54, line 1, after the dollar amount, insert the following: ''(reduced by $12,000,000)''.

Page 54, line 2, after the dollar amount, insert the following: ''(increased by $12,000,000)''.

Page 75, line 21, after the dollar amount, insert the following: ''(increased by $27,000,000)''.

Page 82, line 10, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 82, line 12, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 84, line 13, after the dollar amount, insert the following: ''reduced by $2,500,000)''.

Page 99, line 5, insert: ''directly or indirectly, including by private contractor,'' after ''shall be used,''.

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

''SEC. . None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).''.

___

''SEC. 5___. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

___

''SEC. ___. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that does not require the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.''

___

''SEC. 5___. None of the funds made available in this Act may be used by the Department of Health and Human Services to appoint an individual to a Federal advisory committee on the basis of political affiliation, unless required by Federal statute.''

Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio

(Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

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

Mr. Chairman, these have all been agreed upon as part of the en bloc, and I would urge the Members to vote for it.

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

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

Mr. OBEY. Mr. Chairman, I would simply say that while I am dubious about the content of several of these amendments, in the interest of moving the bill forward, I would also urge that we accept the en bloc amendments and move on to the others.

Mr. REGULA. Mr. Chairman, I thank the gentleman for helping us to work it out.

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

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

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

Mr. LEACH. Mr. Chairman, I would only say to my distinguished chairman, I realize how difficult these circumstances are. There is one amendment in that en bloc circumstance, the Neugebauer amendment, that I think the House should be alerted to. It could put us down a slippery slope of reviewing peer review scientific approaches; and since it is targeted at a program in a university in my district, I am particularly sensitive to it.

But unrelated to the fact that it is in my district, this subject is something that I hope in the conference will get the attention of Members in terms of the overriding principle of whether we ought to be political seers overriding scientific peers.

Secondly, in the statement I will submit for the RECORD, I have outlined a reason for this particular grant that is, in my view, again very compelling, which makes a political attack on it quite, again in my view, uncompelling.

So at this time, I simply ask respectfully that the chairman and the ranking member give this perspective serious consideration as you move to conference.

Mr. Chairman, I recognize that sometimes committees decide to accept a series of amendments to bills "en bloc" on the House floor and then review them further in conference. In this circumstances, I rise to express a great disappointment that the committee has agreed to accept for the time being the Neugebauer amendment which represents a philosophical assault on the peer review process that serves as a hallowed barrier to scientific censorship.

Mr. Chairman, the Neugebauer amendment is about exasperation with NIH research on non-humans—i.e., animals and birds—and targets a grant given a respected research institution in my District—the University of Iowa.

First, let me stress that 60% of all human diseases are zoonotic—that is, derived or related to animals and birds. It is no accident that the remarkable results that have been obtained in developing miracle drugs and intervention approaches in so many diseases begins with research on animals and birds.

Secondly, let me stress that NIH and NIMH operate in a more non-politicized manner than other governmental entities. All their research approaches are peer-reviewed by scientists across the country. We in Congress authorize the appropriations for NIH and NIMH, but scientists rather than politicians determine which research applications should be funded. Science, in this sense, by Congressional directive, has largely been de-politicized.

As for this specific grant, the pigeon has been selected to study because it has a remarkably well developed visual system with such high acuity that it can make extraordinary decisions without the mediation of language.

The research, which focuses on how the pigeon discriminates between visual stimuli, could be singularly important to our understanding of how brains and mental processes operate. The knowledge garnered is designed to be of particular use in the treatment of mental illnesses and disorders like autism and schizophrenia.

Knowledge of the operation of advanced cognitive processes in the absence of language can also provide important clues to possible remedial methods that could be effective with language impaired human patients. New thinking and teaching methods which may develop from research on pigeons and other life forms could better enable impaired individuals to interact with a world of complex patterns and categories, thus allowing them to be productive decision-makers, less likely to need institutionalization.

Mr. Chairman, let me reiterate that research with birds and animals is critical for human health. The pigeon may seem an obscure subject, but the application of research on this bird, which is so talented it can find its way home even if transported and released thousands of miles away, could be quite meaningful.

There is no certainty any research approach will be productive, but there is certainty that politicizing science will shackle its potential for lengthening and ennobling life.

Accordingly, I urge the committee as it reviews this "en bloc" amendment in conference to give particular attention to whether it wants to establish a precedent of political "seers" overriding scientific peers. This is a slippery slope that I hope conferees will not slide down.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am pleased that the chairman accepted an amendment that would strengthen the privacy safeguards within the Office of Information Technology to which our committee appropriated over $75 million for safeguarding information.

Medical information is so critically important as we start to put together a national infrastructure of information technology that is interoperable and that is transparent and that will allow providers to adequately provide the care that they need to, with all of the knowledge of the patient's background that they need to have, in order to make the right decisions at the point of care.

I thank the chairman for yielding to me and for supporting this amendment.

Mr. BUYER. Mr. Chairman, I rise to express my strong support for the Chairman REGULA's, amendment and urge my colleagues to vote in favor of increased funding for programs aimed at getting veterans into jobs.

Mr. Chairman, the National Veterans Employment and Training Institute is run by the University of Colorado under contract to the Department of Labor. Their mission is to train Disabled Veteran Outreach Program Specialists and Local Veterans Employment Representatives (DVOPS and LVERs) how to place veterans who are seeking employment in good-paying jobs.

I want to emphasize that DVOPS and LVERs are state employees who usually work for the state employment service. The extra 500 thousand dollars will allow NVTI to increase its training load for the next year by nearly 20 percent. That means that more DVOPS and LVERs will get basic and advanced training in such skills as case management, compliance investigation, job coaching, promoting partnerships, presentation skills, and Transition Assistance for those being discharged.

The Homeless Veterans Reintegration Act, or HVRP, is designed to get homeless veterans off the streets and back into the labor market. The typical grantee provides the safe living quarters and supportive services to men and women who have hit bottom and are seeking a way out of what may have been decades of homelessness. Recent data indicates this is a highly cost effective program. For a program cost of a little over $2,200 per job placement averaging about $9.25 per hour, an HVRP client potentially returns about $2,800 in taxes per year to the federal government. I call that a good investment in human capital.

The Chairman's amendment will add three million dollars to the $22 million proposed by the President. I salute the Chairman for his efforts on behalf of homeless veterans. This additional funding will provide opportunities for hundreds more homeless veterans. According to the Veterans Employment and Training staff, three million dollars will fund nine to 12 new grantees and service over 1,000 more homeless veterans. Surely, this is a worthy cause.

Mr. Chairman, this is a good amendment that every Member can take pride in and I urge my colleagues to vote yes.

Mr. WAXMAN. Mr. Chairman, I rise to offer an amendment to prohibit the Department of Health and Human Services from using political litmus tests in making appointments to scientific advisory committees.

Advisory committees play a crucial role in the development of policy. That role is to offer policymakers the best available expertise on scientific matters. Science is not liberal or conservative. It is not Democratic or Republican. In order to develop the best policy, our government needs to hear the facts from the most qualified experts, regardless of their political affiliation.

This common sense principle is widely accepted in the scientific community. It has been

endorsed by the National Academy of Sciences, the American Academy for the Advancement of Science, and numerous other scientific organizations.

This amendment simply adopts this principle into policy. It would prohibit funding for any committee where members are chosen on the basis of political affiliation, unless required by law.

Unfortunately, the current Administration has a terrible track record on this issue. It has repeatedly applied political litmus tests in making appointments to advisory committees.

A nationally recognized expert on substance abuse was asked if he had voted for President Bush. After he answered honestly, he was not appointed.

An expert in marine ecology was asked if she supported the President's economic and foreign policy agenda. After she told the truth, she was immediately dropped from consideration.

A Nobel Prize winner was nominated for an important NIH panel on international health. According to a senior NIH official, he was not picked because he had ''signed too many full page letters in the Times.''

The Administration's use of political litmus tests has generated outrage in the scientific community.

The editor of the journal Science has stated, ''I don't think any administration has penetrated so deeply into the advisory committee structure as this one, and I think it matters. . . . If you start picking people by their ideology instead of their scientific credentials, you are inevitably reducing the quality of the advisory group.''

These actions are unacceptable. Expert advisory panels should be filled with scientific experts, not party loyalists. This is the only way our government will have the information it needs to make the best policies on behalf of the American people.

Our country's premier scientific organizations have affirmed the core principle that scientific advice should be provided by the best scientists. I urge my colleagues to endorse this principle and support this amendment.

Mr. EMANUEL. Mr. Chairman, I rise today in support of the Markey-Emanuel amendment which is part of the en bloc amendment proposed by Chairman REGULA. Our amendment is simple and straightforward. It requires patients to be notified if their medical records contained in the new national health information network are lost, stolen or used for unauthorized purposes.

While a national health information network could provide significant benefits for the entire medical community, that network must come with guaranteed privacy protections. As the revelations by MasterCard and Visa that the personal information of as many as 40 million customers was compromised demonstrates, identity theft has become an epidemic.

A national health information network without strong privacy protections would undermine all of its other benefits. Without privacy protections, patients won't have confidence that their medical records will be kept confidential, which is essential to quality health care.

In the 108th Congress, I introduced legislation to protect credit consumers' sensitive medical information. That bipartisan legislation was signed into law last year. By ''blacking out'' health information, we created a zone of privacy and gave consumers the confidence that their medical records are being protected. We should do the same thing here.

Mr. Chairman, major data security breaches are occurring on a daily basis and identity theft is the fastest-growing white collar crime in the country. It's essential that we get this right at the beginning by making strong privacy protections a part of this health information network.

Mr. MARKEY. Mr. Chairman, I rise in support of the Manager's amendment.

The Manager's amendment includes an amendment that I filed to offer to the bill yesterday, which would address an important privacy protection issue.

Mr. Chairman, the recent wave of massive data thefts has swept up the precious, private information of millions and millions of Americans.

Everyday seems to bring new examples of gaping holes in databases being exploited by criminals: ChoicePoint, Lexis-Nexis, and CardSystems Solutions.

These are just 3 recent examples of huge heists of personal information.

And when Americans' financial records are drained from databases, does Federal law require the victims to be notified? No!

When Americans' Social Security numbers are siphoned from databases by criminals, does Federal law require that the victims are at least notified? No!

And, most importantly, when Americans' most private health information is plundered from databases, does Federal law require the victims to be notified? Shockingly, Unbelievably—No!

Mr. Chairman, the bill before us today provides $75 million to support the creation of a new network of databases containing the health records of millions of Americans across the country. This new health information network will be, in effect, the ''Mother of All Databases.'' This network, when it is completed, will provide unprecedented access to the most private, personal health records of tens of millions of Americans.

The nationwide network holds tremendous promise. But it also holds enormous peril for the privacy of Americans' medical records. That's because we know that databases currently maintained by the Federal government are vulnerable to infiltration by the data thieves.

How do we know this?

In February 2005, President Bush's Information Technology Advisory Committee reported that:

> The information technology infrastructure of the United States . . . is highly vulnerable to terrorist and criminal attacks and [T]he Federal Government needs to fundamentally improve its approach to cyber security.

In May 2005, GAO reported that:

> [T]he Federal Government is limited in its ability to identify and respond to emerging cybersecurity threats, including sophisticated and coordinated attacks that target multiple federal entities.

Even with the most sophisticated and modern cybersecurity, we have learned that reels of data can be lost off the back of a truck.

While there is much we must and should do to minimize that loss of data, it is simply unforgivable to hide a known breach from the individuals whose personal data has fallen into unauthorized hands.

An individual can sometimes take action to protect herself while authorities try to puzzle out what happened to cause a breach. At least they should know when they are at risk.

A national health information network could provide significant benefits for patients, physicians, hospitals, and other health providers. But to realize these benefits, this new network must have strong privacy safeguards.

My amendment, which is now part of the Manager's amendment, would simply require that patients whose health information is maintained by the Department of Health and Human Services as part of this new health records database must be notified if their records are lost, stolen or used for an unauthorized purpose.

Our amendment would apply to the tens of millions of Medicare and Medicaid beneficiaries whose personally identifiable health information is maintained by the Federal Government.

As the Department begins to develop the standards for this enormous database, privacy of patients must be a priority.

As many of us know, people can be more concerned about their medical information being public than their financial information.

There are things in medical records that people don't even tell members of their own families.

We are at the dawn of the development of this new database. Now is the time to ensure that privacy is paramount.

Our amendment will ensure that patients victimized when their health information in the database is stolen or misused are simply notified so they can take the necessary steps to protect themselves.

In fact, the following 13 states already have enacted similar notification requirements for patients whose personal information has been stolen from electronic databases: Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Maine, Minnesota, Montana, Nevada, North Dakota, Texas and Washington.

This is a vital, common-sense amendment, and I am pleased that it has been incorporated into the Manager's amendment. I urge its adoption.

Mr. WAXMAN. Mr. Chairman, I rise in support of the scientific peer review process at the National Institutes of Health and in opposition to the Neugebauer Amendment.

For the third year in a row, the House is considering an attempt to score cheap political points at the expense of NIH research. This year's targets are two grants from the National Institutes of Mental Health.

Both of these grants passed NIH's rigorous peer review process. This process involves two stages of review. In the first, scientists from leading institutions around the country make independent evaluations of each proposal. In the second stage, advisory councils with broad representation set priorities and approve the studies.

Our system of peer review is the envy of the world, and for good reason: It is based on science, and it is immune from political interference.

Congress should be proud of the NIH and what it has accomplished. Instead, this amendment strikes at the heart of scientific integrity at the agency.

Supporters will say that the amendment is just about two grants. In their view, apparently, NIH should not be funding research in animal

models that can expand our understanding of brain disorders . . . or research on psychological distress and marriage that can reduce domestic violence.

Just looking at the two grants, I am far from persuaded. Marriage is a key institution in our society, and we should use science to understand how it can be strengthened. Research in animal models has provided important insights into brain disorders. I fail to see any justification in eliminating the funding these grants.

More fundamentally, it is inappropriate for us to be debating the merit of these grants in the U.S. House of Representatives. This is not a grant review panel. We are not scientific experts. Our country has succeeded by leaving scientific judgments to scientists, and we should continue to do so.

Our Nation's research community is watching this House today. Universities and researchers want to know if they can do their jobs without wondering whether Congress will step in at the last moment to slander their research and sabotage their careers.

The Administration is also opposed to this amendment. The Director of the National Institutes of Health Dr. Elias Zerhouni stated yesterday:

> Defunding meritorious grants on the floor of Congress is unjustified scientific censorship. It undermines the historical strength of American science, which is based on our world renowned, apolitical, and transparent peer review process.

I hope these words give this House pause. Let us not vote for scientific censorship. Let us not undermine the historical strength of American science.

To paraphrase the editors of the New England Journal of Medicine, let us not rub the gem of worldwide biomedical research in political dirt.

I urge you to join me in rejecting this ill-advised amendment.

Mr. NEUGEBAUER. Mr. Chairman, my amendment will prohibit the National Institute of Mental Health from further funding two grants whose research falls outside the mission set by NIMH. The amendment would not reduce overall research funding. Rather, it would focus the funding toward serious mental health issues.

According to NIMH, its goal is to "reduce the burden of mental illness and behavioral disorders" and prevent "disabling conditions that affect millions of Americans."

This is a noble goal. Serious mental health diseases such as autism and Alzheimers do affect the lives of many Americans. And finding cures and treatments for these debilitating diseases is something we all hope for.

This is why I was curious when I saw that two NIMH grants have been going on for years that do not focus on our most pressing mental health issues.

For nearly 15 years, more than $1.5 million has been awarded to study "Perceptual Bases of Visual Concepts." According to NIMH, this study trains pigeons to distinguish between natural and man made objects.

Now on its fifth year, a second study has spent hundreds of thousands of taxpayer dollars to determine how the self-esteem of newlyweds affects their marriage. Now, I am a fan of marriage. In fact, I have actively participated in one for 35 years. But what does this research contribute to the effort to find better treatment, or even a cure, for Alzheimers or autism or Schizophrenia? Whatever scientific merits these research projects may have, they are not directed at serious mental health disorders.

Sending millions of dollars to research that falls outside the mission of NIMH is problematic enough. However, this problem is compounded when you look at the list of grants that have been rejected over the same time period. If you look at the list, you will find grant after grant which specifically targets serious mental health diseases, such as schizophrenia and bipolar disorder.

According to a 2003 study done by a group of mental health professionals and entitled, "A Federal Failure in Psychiatric Research," only 1 out of every 17, 2002 research grants is reasonably likely to improve the treatment and quality of life for individuals presently affected by serious mental health illness.

Some here today may feel hesitant about ending these grants. But, ladies and gentleman, as members of Congress, we must become better stewards of taxpayer dollars.

I urge my colleagues to support research on serious mental health issues by supporting the Neugebauer amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. REGULA).

The amendments en bloc were agreed to.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 14 offered by Mr. HAYWORTH:
>
> At the end of the bill (before the short title) insert the following:
>
> SEC. ____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL–CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself 2 minutes.

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

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

The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenues to support governmental purposes such as reservation, law enforcement and fire services, and programs for the health, education, and welfare benefit of tribal members. Consistent with the policy behind the NLRB exemptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage when disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California that has enacted into its tribal law a tribal labor relations ordinance with greater labor union rights than the National Labor Relations Act.

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In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was working.

Now, San Manuel and other tribes have conflicting laws and great uncertainty about which one applies.

Mr. Chairman, my colleagues, make no mistake, sovereignty cannot be situational. To reverse 30 years of policy by bureaucratic fiat is wrong. Adopt the amendment.

Mr. Chairman, I reserve balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition.

Mr. Chairman, I yield myself such time as I might consume. Mr. Chairman, I rise in opposition to this amendment. Last year, Members from both sides of the aisle voted down a similar amendment. I had hoped that in a year's time the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Ohio (Mr. BOEHNER) would work together to address this issue in the committee of jurisdiction. But that did not occur.

The gentleman from Ohio (Mr. BOEHNER) and I have had discussions on scheduling hearings in the committee of jurisdiction, the Committee on Education and the Workforce. During my 40 years of public service, I have established a strong record for defending the sovereign rights of Indian tribes. I have often led the fight to defeat legislative riders on appropriation bills because of my confidence in the regular procedures guiding us through the legislative process.

I am committed to finding a permanent solution to this issue, but the appropriations process is not the way to solve this issue. I urge my colleagues to vote no on the Hayworth amendment.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the bottom line here is not process or legislative jurisdiction. Until Congress can consider a permanent solution to this problem, this amendment simply calls for a temporary time-out to allow us to work together for a more substantive solution, to avoid additional confusion among the tribes.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, in politics there are show horses and there are work horses. This process, instead of seeking a solution, only sought headlines. We had an opportunity to make real progress and address the concerns of these tribes.

Instead of addressing this issue in a substantive manner in committee, we are once again addressing it in a political way on the floor of the House simply for political gain.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, quoting the words of my friend, the gentleman from Rhode Island (Mr. KENNEDY) to Indian Country Today Newspaper, he said he would push for a compromise bill through Congress that would support on-reservation tribal sovereignty against the jurisdiction of the National Labor Relations Board, while accepting the board's role as arbiter of labor-employee disputes and union organizing on off-reservation tribally owned business.

The only workable bill is an authorizing bill, H.R. 16. As I have pointed out, we come here with this recourse because of uncertainty and because of bureaucratic fiat. Adopt this amendment.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Hayworth amendment. Tribal Nations have established commercial gaming enterprises because of the economic boom it brings to their community. My hometown of Las Vegas looked to gaming many years ago, and now it has the one of the most vibrant economies in the country.

One of the keys to Las Vegas' success has been a strong relationship between labor and management. Because of this relationship, workers have good-paying jobs and benefits and safe working conditions, and can take care of their families. We should give the workers at the tribal gaming facilities the same chance.

Last year the National Labor Relations Board correctly ruled that it had jurisdiction over on-reservation commercial tribal enterprises such as casinos.

Make no mistake about it, Indian gaming is a big business. And the people working in Indian gaming on the reservations have the right and are entitled to the protections of the NLRB. I encourage the Indian tribes and the tribal workers and the labor unions to work together to protect workers like they have done in Las Vegas. I urge my colleagues to vote against this ridiculous amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, my colleagues, we would do well to heed the marketing advice, What happens in Vegas stays in Vegas. What happens on tribal lands with their sovereignty should likewise be governed by the sovereign governments there. Sovereignty is not situational.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER) the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time. And first and foremost, we must understand that this amendment that is being offered has no impact on this process. These tribes will not know whether or not they are violating the law or not violating the law. This amendment does nothing for that.

The law as is currently interpreted continues to go forward. What this amendment does is suggest that somehow that those workers on a reservation, working in a casino, who are not enrolled members of that tribe have no rights; have no rights. In California they do, under a compromise that was worked out.

Last year we were working out a compromise for the first time ever. We had labor and the union and tribes sit down together. They left the room because this amendment was offered last year, and nobody has come back because this amendment continues to be dangled as somehow it is the answer to the concerns that they have.

This amendment does not answer a single concern. It just kicks the can down the road, and people are still in limbo if they are seeking to work out an arrangement for those tribal lands and for labor relations on those tribal lands. That has not happened.

We were engaged in those historic conversations when the gentleman offered this amendment last year. And nobody has come back to the table since then.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

My friend from California proves my point. He admits that in a government-to-government relationship, as the San Manuel Band has done already, they actually put together an agreement with greater union rights than the NLRA. That is precisely the point. Tribes should have the sovereign ability to decide that if they want to bring in those expansion of rights, yes. But it should be their decision.

Sovereignty is not situational, and any attempt to paint this otherwise is wrong. That is why the amendment should be passed.

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

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

Mr. Chairman, I want to explain to the House why it is that I vigorously oppose this amendment. I am the only Member of the Chamber who was exposed to a recall effort because of my support for tribal sovereignty. Even though the Constitution of the United States does not provide for such a recall, our State constitution thought it did. And so I had to endure an effort in recall because of my fierce support for tribal sovereignty.

But having said that, I want to say that the gentleman's amendment goes far too far in that regard. Now I will tell you why.

In my State, we had an experience in which one of the tribes contracted out to a private party to run their casino. That private party took advantage of the fact that the compact that the Governor set up with the tribe was defective. And under that defect, they made quite clear to female employees of the casino that it was their obligation, in blunt language, to either put out or get out.

Now, we all know what that means. And what the gentleman's amendment means under those circumstances is that when you remove the protection of the National Labor Relations Act, you subject individuals with no power at all to that kind of treatment by shysters and bums.

Now, as far as I am concerned, I heard a whole lot about family values from that side of the aisle. You think this amendment represents family values in that situation? Give me a break. It does not.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman has exactly made the point. These casinos now hire thousands of workers who are nonresidents of the reservation, who are not enrolled members of the tribe. If the tribe chooses not to grant them any rights, then they have no rights.

We lecture countries all over the world that you cannot do this to workers, that you have to have minimum standards. But right here in the middle of the United States, under this amendment, a tribe can grant to their workers no rights. That is just untenable.

And we understand how strongly held sovereignty is. It is fundamental and basic to these tribes. We also understand how fundamental and basic the right to organize and the freedom of association is to the workers. We have been trying to work that out. This amendment is not helpful in working that out.

But the gentleman is exactly right. You can end up with thousands of American workers having no rights. This is like the situation you had in the northern Mariana Islands, where you had people who could not get a minimum wage, who could not get protection of immigration laws. This is recreating this on these lands.

Mr. OBEY. Mr. Chairman, reclaiming my time, I simply want to say institutions, no matter what they are, whether they are tribe or any other institution, they have a capacity to violate human rights. And with the gentleman's amendment, you will be opening a loophole in the law as big as a 65-foot truck. This amendment is a terrible amendment. It ought to be buried in a box and we ought to pretend it never was presented.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, after the rhetorical display, I know my friends did not mean to insinuate that tribes are composed of bums and scoundrels. Yet, what we are hearing here is that somehow the very worst in human nature would come out.

Mr. OBEY. But the contractors are bums.

Mr. HAYWORTH. Mr. Chairman, this is my time, is it not?

The CHAIRMAN. The gentleman from Wisconsin will suspend. The gentleman from Arizona controls the time.

Mr. HAYWORTH. I thank the chairman. We are making the point that we are dealing with sovereignty. Yes, this is an imperfect world. But I scarcely imagine that a gross violation of human rights will transpire when we live up to Article I, Section 8 of the Constitution, which says: The Congress shall have the power to regulate commerce with foreign nations, and among the several States, States, and with the Indian tribes.

Tribes have sovereign immunity. They have sovereignty. It is not situational, no matter what some leaders in the AFL–CIO may say.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Ohio (Mr. KILDEE) a well-known champion for Native American rights. We all have Native Americans in our States, and we have gaming.

But, Mr. Chairman, sovereignty is not inconsistent with decency and humanity and human rights. Sovereignty is not inconsistent with protecting underage workers and juveniles who are working. Sovereignty is not inconsistent with making sure that workers have a quality of life. And sovereignty is not inconsistent with international treaties which ensure that that happens in nations around the world.

This is a bad promise on a bad premise. And what we need to do is to work with the committees of jurisdiction and solve the problem, not eliminate the rights. I would hope that my colleague would join me on finding an amendment to stop the abuse of lobbyists who take money from Native Americans and Indian tribes and reservations and not do a darn thing with it.

I am offended by that. I will join the gentleman from Arizona (Mr. HAYWORTH) anytime he wants to come to the floor to get rid of lobbyists who take money from unsuspecting Native Americans and their businesses. That should be a question of criminal violation, but this one is one that can be solved with good law and good negotiations. I ask my colleagues to vote ''no.''

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PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, I have a parliamentary inquiry. During the course of my previous presentation, was the extra-curricular activity outburst included in my time when others sought control of the microphone?

The CHAIRMAN. No, it was not.

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

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 45 seconds remaining. The gentleman from Michigan (Mr. KILDEE) has 30 seconds remaining.

Mr. HAYWORTH. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has the right to close.

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

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

Mr. Chairman, I have been involved in defending Indian sovereignty for 40 years when I began my tenure in the Michigan legislature. And I will never abdicate my responsibility on that.

I think it is extremely important that this Congress on an issue so delicate and so important to two groups for whom we have great affection, be done in the appropriate committee, the committee of jurisdiction. The gentleman from Ohio (Mr. BOEHNER) and I have discussed having hearings in that committee.

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

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

Mr. Chairman, the choice is simple, either you support the premises of sovereignty as reflected in article I, section 8 of the Constitution or you equivocate or you try to give the National Labor Relations Board preeminence over the Constitution of the United States. I do not believe that sovereignty is situational. This is a mechanism where we can actually correct the wrong and put in place what had stood 30 years previously respecting sovereignty.

Vote for the amendment.

Mr. CONYERS. Mr. Chairman, I am a strong supporter of tribal sovereignty but rise in reluctant opposition to this amendment because it has not been subject to full debate in committee or the House.

I would like to articulate the importance of tribal sovereignty. Because Indian tribes are sovereign governments, the U.S. Government has long read the Commerce Clause and the 11th Amendment as upholding the sovereign immunity of tribes. Congress's intent in preserving sovereignty has been recognized even recently; in 1991, in Oklahoma Tax Common v. Potawatomi Tribe, the Supreme Court reaffirmed the long-standing existence and importance of tribal sovereignty:

> In light of this Court's reaffirmation, in a number of cases, of its longstanding doctrine of tribal sovereign immunity, and Congress' consistent reiteration of its approval of the doctrine in order to promote Indian self-government, self-sufficiency, and economic development, the Court is not disposed to modify or abandon the doctrine [of sovereign immunity].

Tribal sovereignty is and should remain one of the fundamental principles of the United States, and we should not define its parameters in a ten minute debate.

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

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

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

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

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. 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. VAN HOLLEN:

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

SEC. ____. None of the funds made available in this Act may be used to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) with respect to—

(1) any loan made or purchased after the date of enactment of this Act;

(2) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under section 438(b)(2)(B) of the Higher Education Act of 1965; or

(3) any loan made or purchased before such date of enactment with funds described in the first or second sentence of section 438(b)(2)(B)(i) of such Act if—

(A) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

(B) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Chairman, this amendment is designed to stop what is an ongoing scam in the college student loan program whereby a small handful of lenders are receiving a guaranteed 9.5 government-paid return on certain student loans. As a result of this 9.5 percent loan scheme, the Government Accountability Office has found that certain lenders are pocketing billions of dollars in taxpayer money that would otherwise go to students.

The gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and I have offered legislation to address this issue, but we should address this issue right here on the floor and right now.

We have heard a lot of people coming to the floor saying that we need more funds for higher education; we need more money for Pell grants; we need to provide more opportunities for students to make sure college is affordable. That is what this is about.

If we adopt this amendment, we will close the loophole and we will free up billions of dollars that can go to the purposes we all want them to go to, which is to provide greater opportunities for students to go to college.

The Department of Education has estimated that closing the loophole will save over $7 billion. Other estimates take the number even higher. So I urge this House to adopt this amendment and provide greater opportunities for our students to go to college.

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

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

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

Mr. Chairman, last year Congress took action to shut down these excess subsidies that are paid to lenders through the 9.5 percent floor loans. That led to the Taxpayer-Teacher Protection Act, which was crafted to immediately halt the practice while ensuring that this issue would ultimately and permanently be addressed in the Higher Education Reauthorization Act.

Now that bill, the reauthorization of the Higher Education Act, is to be before the Committee on Education and the Workforce immediately upon the return of Congress from the July 4 district work period. And we do expect that we will look at this in a comprehensive way.

And while I share some of the concerns of my colleague from Maryland (Mr. VAN HOLLEN), we have got to be very careful as to how we proceed in this area. There are a lot of nonprofit lenders across the country who were the recipients of these 9.5 percent loans; and if we were to adopt the gentleman's amendment, we could cause many of these nonprofit students lenders to be put out of business. And I think the gentleman realizes that we have been going through a very methodical process of trying to make some determination about how to shut these loans down permanently and how to deal with the issue of recycling. I wish it was as clean and easy as saying, we are just not going to do it any more.

But as I have looked at this and I think others have looked at it, it is just not that easy. But as the committee deals with the Higher Education Reauthorization next month in both the subcommittee and full subcommittee, there is no question that this issue will be dealt with in its entirety.

With that, I would ask my colleagues to oppose the gentleman's amendment. I would really like to ask him to withdraw the amendment and allow the regular process, the regular order, to occur in the committee.

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

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

Mr. Chairman, I thank my colleague, the chairman of the Committee Education and the Workforce, for those remarks; but the action the Congress took last year was too limited. First of all, it only lasted a year so we could come back this year to fix the problem; but the other part of the problem was it left a big part of the loophole still in place, what is called ''recycling,'' so that the lenders can continue to receive this windfall of 9.5 percent guarantee on those loans.

This amendment is prospective only. It does not look back; it only looks to the future. Nobody who has been promised certain returns on their loans will lose the promises they have been made. But what it prevents from happening is future recycling, future abuse in this program. So I urge adoption of the amendment.

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

Mr. BOEHNER. Mr. Chairman, I am prepared to close.

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

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining.

Mr. VAN HOLLEN. Does the chairman of the committee have the right to close?

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN), the amendment's sponsor, has the right to close.

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

The gentleman from Maryland (Mr. VAN HOLLEN) seeks to, as he says, prospectively end the practice of recycling new loans through these 9.5 percent bonds that are out there. But here is the problem: some of these nonprofits student loan lenders around the country have these bonds in place for the next 5, 10, some even 15, years. And if we were to end the practice of recycling new loans through there, we would put those nonprofit lenders literally out of business because those bonds were sold to the public under this 9.5 percent scheme.

Now, I am as disgusted by this scheme as the gentleman from Maryland is, I can tell you; and why this practice went on for as long as it has is really very troubling to me. But having said that, for nonprofit lenders who had gone out and secured bonds with the backing of these 9.5 percent interest rate loans, I think that with the adoption of this amendment we could cause great problems with many of the lenders that are all across the country that help fund student loans for many needy students.

So I would ask my colleagues to oppose this amendment. This is a very dangerous step that could affect the ability of millions of American students to get a student loan to allow them to go to a post-secondary institution. And, secondly, the committee is in fact going to deal with this. The gentleman from Maryland is well aware that the committee is going to deal with this as we reauthorize the Higher Education Act.

Again, I would urge my colleagues to vote ''no'' on the amendment.

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

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

Mr. Chairman, I have a very different view of this amendment and what it will do, obviously, than the chairman of the Committee on Education and the Workforce.

In fact, what this will do is free up additional funds that can be used to make sure more students have the opportunity to go to college, because what is happening right now through this recycling scheme is that the lenders, the makers of the loan, are getting a 9.5 percent essentially guaranteed payment when we could in fact be using those monies instead to provide lower-cost loans to more students and to provide Pell grants.

This will give the Subcommittee on Education of the Committee on Education and the Workforce the opportunity to provide more funds to do what they have been saying all afternoon that they want to do.

The fact of the matter is this applies prospectively. This is not going to have a negative impact on these non-profit lenders. If you already have one of those loans out there, if you are already getting the sweetheart deal of 9.5 percent, you are still going to get that return. But what this would prohibit

you from doing is that when you get that income from the students and the government, all those additional revenues, you cannot go out and do it again. You cannot keep this perpetual-motion machine going.

According to some estimates, if we do not plug this hole, we will cost the taxpayers $13 billion, if we let it go on indefinitely. Monies that could be spent, again, could make sure that more students have the opportunity to go to college.

I know that we will be dealing with it in the Committee on Education and the Workforce; but in the budget that passed this House, we did not deal with this issue. The budget does not envision closing the recycling loophole. The President 2 years ago submitted a budget that did envision closing the recycling loophole, but a bunch of lenders with interest in this, a lot of lenders who are making a ton of money obviously built up the pressure and it was heard. As a result, the budget does not close the loophole fully. Let us close the loophole fully.

Let me say in closing, Mr. Chairman, the issue of the 9.5 percent loans is costing the American taxpayer and the American students billions of dollars a year. The General Accountability Office has looked into this issue. They have done an investigation. They have determined the Department of Education had the authority to shut this down. The Department of Education has not used that authority. Congress must use its authority, and it should do it now.

I cannot think of any better place to deal with this issue than in the bill that provides funding for higher education. Because if we adopt this amendment, if the Congress adopts this amendment, it will immediately free up additional resources that we can spend as a Nation on providing students with more loans and providing more grants. So as a result of this amendment, more students will have the opportunity to go to college. I urge its adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, parliamentary inquiry. We have been working to introduce new language that I believe both sides have agreed to on this particular amendment, and my inquiry is, do I have to offer an amendment to the amendment?

I do not. I stand corrected. So we do have the new language.

The CHAIRMAN. Does the gentleman seek to modify his amendment by unanimous consent?

Mr. HAYWORTH. Yes, I do, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. HAYWORTH:

Line 6, strike ''would not otherwise be payable but for such agreement'' and insert ''are inconsistent with Federal law.''

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Arizona (Mr. HAYWORTH)?

There was no objection.

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

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which are inconsistent with federal law.

Mr. REGULA. Mr. Chairman, we are prepared to accept the amendment, as modified.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

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

Mr. Chairman, I will not take the full 5 minutes. I will simply say to both the majority and minority staff of the Committee on Appropriations and to Members on this side, the gentleman from Georgia (Mr. GINGREY), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. CULBERSON), the gentleman from California (Mr. ROHRABACHER), the gentleman from Oklahoma (Mr. SULLIVAN), who were all prepared to speak on this amendment, we thank them for their involvement.

This revised amendment ensures that a proposed Social Security totalization amendment or agreement with Mexico now fully subscribes to what has been signed into law, H.R. 743, the Social Security Protection Act. And this ensures that any proposed totalization agreement would not have funds going to anyone from our neighbor to the south employed here illegally.

□ 1415

I thank both sides for their cooperation on this, and though we may have sincere differences in the challenges of the day, I do appreciate everyone's constructive attitude on this amendment. It shows the American people that, yes, we can get things done.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding. I hope we can find an opportunity to find common agreement.

Let me just say that my colleagues need to understand that the administration believes in this structured agreement, a totalization agreement, because they understand that when Americans are overseas working and getting benefits, that they would like those Americans to ensure that their benefits go with them. That is the same relationship we should have with Mexico, that when workers are here, their benefits gained here should follow them to Mexico.

I would oppose any language that would deny that right. I think the question of whether or not they are documented or undocumented, the administration needs to make that determination. I do not know if my colleagues are going to thwart the administration's desire to find some common ground on immigration.

If this language says that it is consistent with Federal law, then I hope that this Congress will work with the administration so that we will not be embarrassed internationally by denying nationals of another country their well-gained rights or benefits that they have gained working. We would not want that to happen to us.

I will listen further to the debate. I raise a concern that they are denying those who are working their well-earned benefits. One thing we can stand for is you deserve your pension rights, you deserve your Social Security rights, you deserve your uninsurance rights, your health care rights, and it should not be taken away from you.

Nevertheless, I hope my friends on the other side do not do that. If the

language does not do that, I would say to my colleagues that if this is a good resolution, we certainly will join in with it.

Mr. OBEY. Mr. Chairman, reclaiming my time, let me simply say that, like the gentleman from Ohio, I see no problem with accepting the amendment on this side because, as I read it, it does not do nothing to nobody for anybody or about anybody. And so with that, I am happy to accept the amendment.

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

Again, I thank the gentleman. I may have a little different interpretation and assessment of what the amendment does, but I am pleased to see we could work this out, and we will enforce existing law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak against this amendment which seeks to restrict illegal aliens access to the U.S. Mexican Social Security Totalization agreement. I cannot support this agreement, not for its intent, but because of the consequences of enforcing it. I agree with Mr. HAYWORTH that immigration is an issue that must be addressed. However, the remedy that this amendment creates would lead to more harm then good and violates a fundamental aspect of American ideals.

This amendment seeks to ensure that benefits can't be paid under the U.S. Mexico Totalization agreement for work inconsistent with federal law. Undocumented aliens working within the United States would meet the criteria of work inconsistent with federal law and therefore would be denied benefits. This method of dealing with our nation's immigration problem is not the answer. Social Security is a contract: you put money in, you get money out. Denying undocumented aliens the money that they put into social security is to violate what is at the very center of Americn ideals. Weare a country that values hard work. You get what you give. Refusing to grant Social Security benefits to undocumented aliens who have spent their entire lives working and contributing to the system is a blatant violation of contract law.

Our nation faces many challenges on the issue of immigration. Our Immigration system is far from perfect. We have Filipinos waiting 18 years just to have a person look over their application. We have families who are forced to wait years upon years to be reunited with their brethren. We need comprehensive reform. This amendment would denigrate the hard work of thousands of workers who have spent their lives working hard in this great nation. If an undocumented alien puts a dollar into the social security system this amendment would rob him of that dollar.

Is this the GOP's plan to solve the social security conundrum; to rob undocumented aliens of their social security benefits. To refuse to put more boarder guards on our frontiers, only to rob those who are attempting to create a better life for themselves. This is not immigration reform.

Our immigration situation is a problem that needs to be solved. I will be the first to admit that. But reforms such as this amendment are not the correct method to achieve that goal. We need comprehensive immigration reform.

I can not support this amendment because I feel it unduly robs undocumented aliens of their hard earned wages. This amendment will not solve our nation's immigration problems. It only serves to violate simple contract theory. I believe in an American in which you get what you put in. This amendment contradicts that belief and therefore I must oppose it.

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

The CHAIRMAN. Does any Member seek the time in opposition?

The question is on the amendment, as modified, offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment, as modified, was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this important time, and we have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging high above New York City as we admire their bravery, their daring and their skill. These tradespeople built America, and I cannot think of a citizen in our country that does not respect their prowess.

Well, the worst construction accident in Federal transportation history in the city of Toledo took place on February 16 last year, effecting serious loss of life and injuries among these modern soldiers of the sky.

Crushed to death on the job were Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Junior, age 44. There were injuries sustained by many other workers.

Joe Blaze, the president of the Local Ironworkers observed: ''What happened will affect us for generations.'' The local paper reported, the Toledo Blade, ''Workers told investigators the crane's rear legs were held up with 14 inches of shims and no anchors, while each front leg had shims and only one of two anchors.'' These workers were crushed to death by a several-million-ton crane falling on them.

I tried at the full committee level to place simple report language in this bill, merely asking the Department of Labor's Occupational Health and Safety Administration to gather all records relating to inspections, or the lack thereof, on this job and to also provide any communications that have occurred with the U.S. Justice Department related to this accident. This was denied to me by the Republican majority.

I, along with the gentleman from New York (Mr. OWENS), the ranking member of the Subcommittee on Workforce Protections, were prepared to offer an amendment right here today to ask the Department of Labor to assist our county prosecutor in the investigation of this tragedy. This amendment is also being denied to me on a technicality rather than being discussed on its merits.

OSHA's Midwest office had ruled there was willful negligence on this job, and for reasons not completely understood, they have changed that ruling to unclassified. So as the individual court cases move forth locally, somehow civil litigation will be affected by that change in words.

Now, guess how much OSHA is able to fine the company and others responsible for this serious loss of life? $280,000. That is $70,000 for each lost life, and this money goes to the U.S. Treasury, not even to the victims' families.

Well, there should be more than civil damages and OSHA's fines paid to these families. Our chief of police has bluntly stated these men were murdered. There is criminal wrongdoing here.

My question is: Where was OSHA? Where was the State of Ohio on this, the largest Federal transportation project in Ohio history? Why is this Congress now denying me the ability to get a vote on this amendment which merely asks the Department of Labor to engage with our county prosecutor to investigate the real causes of those deaths?

We have been now told OSHA has not developed a standard or promulgated a rule stating that foreign manufactured cranes, like this one, must equal or exceed U.S. safety standards. Recommendations for such a standard were made nearly a year ago, but it has not been acted upon. Why not? Why has this Congress not demanded and implemented as soon as possible these regs, or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility by the U.S. Department of Labor because this Congress has not held them to a higher standard.

These men died, in my view, because of the apparent willful negligence of the U.S. Department of Labor and OSHA and their allies here in the Congress who have been cutting back on worker safety laws and who have abdicated their responsibility to conduct aggressive oversight.

Today, it is likely that my amendment would have been ruled out of order, as my simple effort to get on the record information from the Department of Labor was denied to me as a Member of Congress, because the full committee would not even allow report language, a most unusual practice.

Instead, today, I am left with a personal appeal to the Secretary of Labor to use her existing authority to provide assistance to the Lucas County prosecutor for the full prosecution of this case, wherever it may lead, and I ask that we all push for the swift implementation of construction crane safety standards so that no other family or community need endure the great tragedy that has befallen us in northwest Ohio on the largest Federal transportation project in our State's history.

I want to thank the ranking member for yielding me this time and to state also I will place in the RECORD at this point as part of my remarks today a

letter we are sending to U.S. Secretary of Labor Elaine Chao.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 2005.

Hon. ELAINE L. CHAO,
Secretary, Department of Labor,
Washington, DC.

DEAR SECRETARY CHAO: The City of Toledo's police department and the Lucas County (Ohio) Prosecutor's office are attempting to carry out an exhaustive investigation into whether criminal charges should be filed regarding safety violations resulting in the deaths of four ironworkers on construction of the I–280 Maumee River Crossing in Toledo, Ohio. Madame Secretary, I ask that you use the authority you have to assist the Lucas County Prosecutor's office in their investigation. You have been provided the general authority to use the services of any State or political subdivision with reimbursement under section 7 (c) of the OSH Act.

On February 16, 2004 our community was shocked by tragedy, when a two million-pound construction crane collapsed at the I–280 Maumee River Crossing construction site in Toledo, Ohio. The collapse resulted in the deaths of four Ironworkers. It is with great sadness and a deep sense of responsibility that I bring to your attention further details surrounding this accident and possible criminal wrongdoing by the firm responsible for the bridge's construction.

The Occupational Safety and Health Administration (OSHA) has fined the project's general contractor, Fru-Con, $280,000 for the incident. OSHA has said that Fru-Con committed ''willful'' safety violations prior to the crane's collapse. OSHA has said that Fru-Con committed ''willful'' safety violations only to reclassify them as ''unclassified,'' and the agency has also pulled out of a special safety ''partnership'' with Fru-Con, saying the firm didn't live up to the deal.

An investigation of criminal wrongdoing on a project of this magnitude is an enormous task for any local agency. I believe that the Department of Labor can be of immeasurable assistance to the local entities in this pursuit. I look forward to your involvement and counsel.

Sincerely,

MARCY KAPTUR,
U.S. Representative.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PAUL:

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

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

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Texas (Mr. PAUL) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

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

Mr. PAUL. Mr. Chairman, I yield myself 2 minutes.

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

Mr. PAUL. Mr. Chairman, my amendment is straightforward: ''None of the funds made available in this a may be used to create or implement any universal mental health screening program.''

This does not deny any funds for any testing of those individuals who may show signs of mental illness. It only denies funding for any universal, read by many as mandatory, which is a bit of overkill as far as I am concerned. There is $26 million in this bill for these programs. Eight States have already been involved, and three more have applied for grants.

The main reason why I oppose this is I think there is a lot of overtreatment of young people with psychotropic drugs. This has been going on for a lot of years, and there are a lot of bad results, and once we talk about universal testing of everybody, and there is no age limit, matter of fact, in the recommendation by the New Freedom Commission, there is a tendency for overdiagnosis and overuse of medication. There are as many complications from overuse of medication as there is with prophylactic treatment.

There is no evidence now on the books to show that the use of this medication actually in children reduces suicide. Matter of fact, there are studies that do suggest exactly the opposite. Children on psychotropic drugs may well be even more likely to commit suicide. It does not mean that no child ever qualifies for this, but to assume there is this epidemic out here that we have to test everybody is rather frightening to me.

Matter of fact, when the State gets control of children, they tend to overuse medications like this. Take, for instance, in Texas, 60 percent of the foster children are on medication. In Massachusetts, it is close to 65 percent. In Florida, 55 percent of the children in foster home care are receiving these kinds of medication.

Once again, I want to make the point that this does not deny funding for individual children who show signs that they may need or they have a problem and need to be tested. It is just to make sure that this is not universal and not be mandatory and that parental rights are guarded against and that the parent is very much involved.

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

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

Mr. Chairman, I rise in opposition to this amendment, and I would point out to my colleagues, we had the identical amendment last year and it failed by a vote of 315 to 95. So, many of my colleagues have already voted against this amendment.

Let me point out, there is no universal mental health screening funded in the underlying bill. This is an inflammatory amendment. It is not necessary.

During our hearings, Secretary Leavitt from Health and Human Services told the committee that the administration does not support and has no plans to implement universal mental health screening, and then they made it very clear that in all programming involving kids there is a requirement that parents participate and give their informed consent, and that would be in a different program.

We have never proposed in appropriations any program of universal mental screening, and all it does really, this amendment, is to stigmatize the issue of mental health.

The sponsor mentions $26 million, and let me point out that the funds provided in this bill that respond to recommendations put forward in the final report of the President's New Freedom Commission on Mental Health, ''Achieving the Promise: Transforming Mental Health Care in America,'' go toward State incentive grants for transformation to support the development of comprehensive State mental health plans, and has absolutely no funding included for universal mental health screening.

So the $26 million has nothing to do with this amendment as far as universal mental health screening.

□ 1430

As a matter of fact, the President's Commission did not recommend either universal or mandatory mental health screening. So I think it is clear that the President's Commission did not feel this was in any way necessary, and for this reason I oppose the amendment. I think that is why the great majority of Members voted against it last year, and I would urge Members to vote the same way this year on this amendment.

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

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

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) said, there are no plans for anyone in the Federal Government to conduct universal screening, and there are no funds in this bill for any such purpose. Having said that, let me simply say I do not think our problem in this country is that we do too much screening for mental health problems with young people.

We are all familiar with the problem of youth depression. There are a very significant number of teenagers who are afflicted with that problem. We are, I think, all familiar with the sad situation with regard to teenage suicide. Two friends of each of my sons committed suicide. So I do not think the problem in this country is that we know too much about mental health problems for young people. The problem is just the opposite; we know too little. So I agree with the concerns expressed by the gentleman from Ohio (Mr. REGULA).

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the danger in our society now is basing policy on old stereotypes

that somehow mental health and mental science is not real science.

I have here a board that shows that there is a different metabolizing in people's brains for those who have mental illness versus those who do not. We have the tools today with PET scans and MRIs to be able to diagnose brain disorders and mental illnesses, and these things are backed up by science.

The notion in this amendment that somehow mental illness is not a real illness, that mental health is not real health, and that is why in this country we continue to discriminate against these illnesses by having them pay higher copays, higher premiums, and higher deductibles than other health care costs.

What is the difference between treating an organ in the brain and diabetes and kidneys? What is the difference between treating an organ in the brain or the lungs or the heart? Nothing is different.

The fact of the matter is in our schools we ought to be looking at this. We have more people committing suicide, 10 young people a day. More youth die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. All of them combined do not rank as high as the cost of suicide to our young people.

Mr. Chairman, in the next year we are going to lose 1,400 young people in our colleges and universities because of suicide. We have twice the rate of homicide as our suicide rate. For every homicide in this country, there are two suicides.

The problem here is not overtreatment, it is undertreatment. That is why I think the Paul amendment, unfortunately, continues to ascribe to the stereotypes of the past that mental illnesses are not real illnesses and therefore they should not be treated and taken care of. That is why I would ask my colleagues to please vote against the discrimination, the intolerance, the stigma of the Paul amendment.

Mrs. NAPOLITANO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I rise also in opposition to the Paul amendment that is not cognizant of the fact that suicide is the third leading cause of death amongst youngsters. It would affect current funds used by States for mental health services and future planning to address this issue. It is a major medical concern, and this amendment does not provide for a solution.

This amendment must not pass because it is harmful not only to our youth but to our families, to our Nation, and would risk increasing the current statistics.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, speaking as a psychologist and one who has spent a career working with children, let me say that this amendment is misguided, misinformed, wrong for America, and wrong for medicine.

First of all, this bill does not fund universal screening. HHS Secretary Michael Leavitt and SAMHSA Director Charlie Curie have both testified that mandatory screening of all children for mental illness has never been, nor will it ever be, a part of the Federal plan to respond to the Nation's mental health crisis.

The President's New Freedom Commission on mental health clearly stated that schools should work collaboratively with families on mental health services and support to children.

This amendment is another witch hunt against mental illness and its passage will only serve to further stigmatize mental illness. If our concern is about overmedicating children, let us deal with that. You do not deal with it by attacking screening.

Just as pediatricians routinely screen newborns for heart and liver diseases and sickle cell anemia, appropriate mental health screening done by qualified professionals is vital to identifying mental health and the potential substance abuse problems of our youth. Screening does not cause diabetes, screening does not cause metabolic disorders, screening does not cause cancer, and screening does not cause hyperactivity. With over 75 percent of all prescriptions for antidepressants prescribed by non-psychiatrists, including pediatricians, OB-GYNs, and primary care practitioners, with little or no training in psychiatry, the answer is to do screening the right way with parental consent and by qualified mental health professionals, not to take away the ability to do it at all.

I urge my colleagues to vote ''no'' on the Paul amendment to do what is right for medicine, what is right for mental health, and what is compassionate for those with mental illnesses.

Mr. PAUL. Mr. Chairman, I yield myself 1½ minutes.

Let me assure Members that you are misconstruing the amendment. It is as if we are banning screening. That is not the case. I am just saying screening everybody is what I am trying to prevent. If there is one person out of 100,000 that commits suicide, why are Members compelled to have a program that may test 99,999 people?

This does nothing to the individual that shows the problem. You can still test them, preferably with parental consent.

Let me add that the gentleman from Ohio stated that the vote went against this amendment last year. This came up at the last minute. Let me tell Members, people in this country have been well informed about this, and they do not like this program.

I also would like to quote from the New Freedom Commission because it is true the New Freedom Commission, which is the guideline the gentleman from Ohio brought up; he brings it up, he cites what it says, so they have some value. They never say ''mandatory,'' but they never say ''voluntary.'' What they say is ''universal.''

How can you have something universal if you are not going to be testing everybody? Also from the Freedom Commission, it should be for consumers of all ages, screen for mental disorders in primary health care across the life span. These are the guidelines of the New Freedom Commission, as well as saying the schools must be partners in the mental health care of our children. Why do they not say the parents should be partners in the health care of our children?

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

Mr. Chairman, we are in opposition to the amendment. There is no universal mental health screening in this bill. Secretary Leavitt has made it clear there is nothing like this under consideration. It is an amendment that is not needed because it addresses a problem that does not exist.

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

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

Mr. Chairman, as a physician, having practiced medicine for well over 30 years, let me tell Members, there is a crisis in this country. There is a crisis with illegal drugs, but there is a crisis in this country with an overuse of all drugs, especially in the area of psychiatry.

Psychiatrists, if they are honest with you, will tell you that diagnoses are very subjective. It is not like diagnosing appendicitis. It is very, very subjective. If you push on this type of testing, the more testing you have, let me guarantee it, the more drugs you will have. Sure, there are mental diseases. I am not excluding any of this when a person has true mental illness, but I am talking about the overuse of Ritalin and Prozac and many of these drugs that are pushed on these kids.

Let me tell Members, there have been some real problems with families who will not let their kids go on drugs because the schools pressure them to. They have been charged with child abuse, and threatened with taking their children away because they will not be put on these drugs. That is the kind of abuse I am calling to Members' attention, and that is why you need to vote for this amendment. It does not change anything. It does not deny anybody testing and treatment. All it does is say universal testing of everybody of all ages in this country is not the direction that we want to go. Please vote for my amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

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

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

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

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

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. 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 Ms. DELAURO:

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

SEC. ____. None of the funds made available under this Act may be used to enforce or carry out item 6B of the settlement agreement between the Wage and Hour Division of the Department of Labor and Wal-Mart Stores, Incorporated, signed January 11, 2005, whereby the Wage and Hour Division agrees to provide Wal-Mart Stores, Incorporated, with 15 days prior notice of any audit or investigation to be conducted by such Division.

Ms. DELAURO. Mr. Chairman, pursuant to the order of the House of June 23, 2005, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment would prohibit the Department of Labor from using Federal funds to enforce or carry out item 6B of the settlement agreement between the wage and hour division of the Department and Wal-Mart Stores, the provision providing Wal-Mart with 15 days of advance notice prior to any audit or investigation.

This amendment is important to ensuring the safety of our children. On January 6, the Department of Labor entered into an agreement with Wal-Mart to settle violations of child labor laws in 3 States: Connecticut, New Hampshire, and Arkansas. It found that Wal-Mart employed 85 minors, ages 16 and 17, who performed prohibited activities, including operating cardboard balers and chain saws, which are considered particularly hazardous jobs, jobs Wal-Mart and other employers cannot legally permit anyone under the age of 18 to perform.

□ 1445

For these violations, the Labor Department fined Wal-Mart, a company with $285 billion of revenues last year, a total of $135,540.

Perhaps the most egregious part of the agreement is the provision, 6B, that grants Wal-Mart 15 days' advance notice before the government investigates any wage-and-hour law complaints, notice that applies not just to child labor complaints in the three cited States but all Wal-Mart stores nationwide.

Wal-Mart has a history of prior child labor violations. In 2000, Wal-Mart was found to have 1,436 violations in 20 Maine stores. Last year, Wal-Mart's own internal audit found 1,371 violations of child labor laws between 1997 and 1999. Granting 2 weeks' advance notice is essentially daring repeated child labor law violators like Wal-Mart to conceal any further violations.

And if we need any proof of that, I would point my colleagues to the weekend papers in Connecticut which cite a State investigation that found 11 more violations of child labor laws at three of our Wal-Mart stores. Three violations involved the store not even bothering to check the age of their workers.

It is clear the settlement is not stopping Wal-Mart from violating child labor laws. In fact, the Governor of Connecticut has ordered periodic, unannounced visits by State inspectors at Wal-Mart stores to ensure that any future violations are promptly revealed and addressed.

Why can the Federal Government not do the same? If a State government can get tough on a child labor violator, one that happens to be our Nation's largest private employer, there is no reason the Federal Government should not be able to do so as well.

Congress needs to send Wal-Mart a message that companies who violate child labor laws will not be tolerated. Our society long ago stopped tolerating the kind of sweatshop conditions that my mother worked in when I was growing up. It is time that this administration did so as well.

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

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

Mr. Chairman, the DeLauro amendment raises serious constitutional concerns under the due process clause because it effectively repudiates the government's contract with Wal-Mart. The DeLauro amendment would cause the government to breach its contractual agreement with Wal-Mart. As a result of the government's breach, Wal-Mart would be released from obligations under the agreement, including its obligation to implement numerous measures that go beyond what the law requires to prevent future child labor violations.

For example, Wal-Mart would no longer be required to provide additional training to Wal-Mart managers regarding the requirements of the child labor laws, would no longer be able to discipline managers who fail to comply with the child labor laws, would no longer be required to post warning stickers on all equipment the Secretary has designated as hazardous for the operation by minors, would no longer be able to perform quarterly self-audits of all of its stores for the duration of the agreement, and it would not stop Wal-Mart from receiving advance notice of most investigations.

The 15 days is a common practice in this type of thing. I think whether you disagree or agree with the settlement that was made between the Department of Labor and Wal-Mart, let us not get into the business of second-guessing it and, in the process, create a lot of additional problems and, in fact, it would be detrimental to the employees in terms of what has been agreed to in the settlement of this issue.

For this reason, I would oppose the amendment, and I hope my colleagues would do likewise if we do have a vote on this.

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

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentlewoman from Connecticut for offering this amendment. This is an outrageous practice that the government entered into in secret with Wal-Mart so that those employees who were concerned and want to file a labor grievance or a child labor protection law grievance with Wal-Mart who thought they were talking to the Department of Labor now find that they are talking directly to the Wal-Mart corporation.

So where do they get the protection in filing these complaints? You say, Well, they don't need it because Wal-Mart is a good employer and Wal-Mart is going to take care of them. Wal-Mart is a repeat serial offender and has been found guilty of violating wage-and-hour laws, immigration laws, child labor laws, discrimination laws, pay-equity laws and worker-safety laws. And this is the corporation that you give 15 days' notice to, that you give this kind of special privilege to?

As the gentlewoman from Connecticut pointed out, the violations of child labor are ongoing. All Wal-Mart does is get a heads-up and finds out who is complaining against them who is employed by them. How are these employees supposed to register their complaints with this corporation under this agreement? It is an outrageous violation of these workers' rights.

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

Let me correct an error that was made. The very fact is that the amendment would only restrict funds for the provision that gives Wal-Mart the 15 days' advance notice before the Department investigates any wage-and-hour law complaints. It does not abrogate the entire settlement. That is what Wal-Mart would like to have everyone believe. It is just the 15-day notice.

The fact is that this is not a typical agreement. None of the agreements that the Department of Labor made with Genesis Health Ventures, Footlocker, and Sears provided a blanket promise of advance notice nationwide to all their stores. This one does. It is a sweetheart deal with Wal-Mart. Nor did they provide for a 10-day window

for the company to come into compliance in the event of child labor violations. These companies were expected to fix the problem immediately or to face serious penalties.

This is hardly standard procedure. That is why the Labor Department's own Inspector General has been investigating how this settlement was negotiated. We are talking about the safety of our children. That is why the amendment is necessary, and that is why I ask my colleagues to vote for this amendment.

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

There are dozens of these settlements made every month. If we get into the role of trying to second-guess and to pass judgment on them, there is no end to it. I think what we know of the merits of this is something that the Department of Labor worked out with Wal-Mart. This is not an uncommon thing to give 15-day notice. In fact, it is almost a standard procedure.

I say to my colleagues, we do not belong in involving ourselves, or this body, in trying to second-guess the judgment that has been made by the Department of Labor. I am sure they acted in good faith to protect the rights of children, to protect the rights of people that work at not only Wal-Mart but other similar types of employment. Therefore, I would urge my colleagues to reject this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

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

Mr. Chairman, all through last year on this side of the aisle, we continually insisted that we needed more money for veterans health care and were consistently told by the administration and the other side that we did not. As recently as April 5, Mr. Nicholson, the head of the VA, told the Senate in an effort to defeat a Democratic amendment, ''I can assure you that the VA does not need emergency supplemental funding in fiscal 2005 to continue to provide timely, quality service that is always our goal.'' We were again told this year when we tried to add money to the VA for veterans health care that it was not needed, that we were simply pandering to veterans.

Well, now the facts are out. Today's Washington Post: ''Funds for Health Care of Veterans Short $1 Billion.'' What we find out is that now the Bush administration is belatedly admitting to the Congress what we have been trying to tell people for months, namely, that the VA budget is inadequate and their accountants indicate that they are going to need more than $1 billion.

The gentleman from Texas (Mr. EDWARDS) is going to shortly be asking unanimous consent to consider an amendment which would, on an emergency basis, add the $1 billion which the administration is saying is necessary to pay the bills at the VA. I would hope that the Congress could find a way to accomplish this. At a time when we are having trouble with recruiting, it makes no sense to be sending messages to our veterans that, Okay, you can go over and fight in Iraq, but we are not so sure about what services you are going to get when you get home.

Mr. Chairman, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, the fact that there is a funding crisis in VA hospitals this year to the tune of $1 billion should be a surprise to no one. On March 23, 2004, the legislative directors of the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars said that passage of the budget resolution as presented would be a disservice to those men and women who serve this country and who are currently serving in Iraq, Afghanistan, and around the world in the fight against terrorism.

The bottom line is, this House on a partisan basis, through the budget resolution, has underfunded VA medical care. Veterans groups knew it, Democrats in this body knew it, Democrats in the other body knew it. In fact, I made a specific effort in the emergency appropriation bill for Iraq to get additional funding for VA hospitals this year, but was rebuffed by the House leadership that said that money was not necessary.

As the gentleman from Wisconsin has pointed out, that money is necessary. We have a crisis. It is inexcusable for the leadership of the Veterans Administration to testify just a few months ago, 2 months ago, that they did not need any extra money to provide adequate health care for veterans. Now, just 60 days later, they admit there is a $1 billion crisis in funding. We need to find out why the VA misled the Congress; and, most importantly, we need to address this problem. I would welcome a bipartisan effort in trying to address the funding needs for veterans.

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

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

Mr. WALSH. I thank the gentleman for yielding. I thank both the gentlemen for raising this issue.

Mr. Chairman, this is a serious problem. There is a great deal of alarm about the uncovering of this information. It is a great disappointment. I thank the two gentlemen for bringing this up, even though it is not germane to this bill. The gentleman from Texas (Mr. EDWARDS) and I have discussed this. We will be holding an oversight hearing on Tuesday at 9 a.m. at which time members of the Veterans Administration, I believe we will also have people from defense health and possibly the Office of Management and Budget, will come up and give us the straight scoop on what actually happened and who knew what and when.

Mr. OBEY. Mr. Chairman, I insert at this point in the RECORD the text of the amendment that the gentleman from Texas would like to offer to correct this egregious situation.

The text of the amendment is as follows:

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

TITLE ____

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount in fiscal year 2005 for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $1,000,000,000: Provided, That the amount provided under this heading is designated as an emergency pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006.

REQUEST FOR RECOGNITION TO OFFER AMENDMENT

Mr. EDWARDS. Mr. Chairman, I would like to ask the Chair to recognize me at this point so that we could call up the amendment which I have at the desk that would provide $1 billion of emergency funding to the VA health care system this year to meet the funding shortfall that the VA leadership has just admitted to as of yesterday.

The CHAIRMAN. Is the gentleman offering an amendment covered by the order of the House of June 23, 2005?

Mr. EDWARDS. Mr. Chairman, this emergency funding for veterans health care, the need for it, was just admitted yesterday by the administration leadership. For that reason, this amendment was not in the unanimous consent order.

The CHAIRMAN. Therefore, the Chair is constrained not to recognize the gentleman.

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

Mr. Chairman, I yield to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. I thank the distinguished gentleman from Ohio for yielding.

Mr. Chairman, I wanted to just briefly thank him for making part of his en bloc amendment and also the gentleman from Wisconsin (Mr. OBEY) for

his consideration providing $2 million to the Homeless Veterans Reintegration Program, the HVRP, and $500,000 to the National Veterans Employment and Training Services Institute. These particular moneys that he has made part of his en bloc amendment are very much appreciated. This was part of my amendment that I had which, unfortunately, I did not get to the House floor; but through both the gentleman from Wisconsin and the gentleman from Ohio, they have made this part of the en bloc amendment and I want to thank them very much for it.se 000

Mr. Chairman, my amendment I intended to offer yesterday would reduce $10 million of proposed funding from Corporation For National And Community Service's (CNCS) AmeriCorps grants, and increase two worthwhile, veterans programs in the Department of Labor.

First, my amendment would transfer $9,000,000 to the Homeless Veterans' Reintegration Program (HVRP). This well-regarded program assists finding homeless veterans a meaningful place in the workforce. HVRP funds are awarded competitively to grant-seekers ranging from State and local agencies, commercial entities, and non-profits including community-and faith-based organizations.

Uniquely, since its inception, HVRP has featured an outreach effort using veterans who themselves have experienced homelessness. Formerly homeless veterans engage in counseling, peer coaching, and follow-up services. The program coordinates with various veterans' services programs and organizations, such as the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives stationed in the local employment service offices of the State Workforce Agencies. Many veterans groups also are eligible, such as the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

Next my amendment would transfer $1,000,000 to the National Veterans' Employment and Training Services Institute (NVTI). NVTI provides training to the employees who ultimately work with veterans seeking employment and training. Like the Homeless Veterans Reintegration Program, most of these Training Institute dollars (about 70 percent) flow directly to States. Impressively, while the Appropriators have funded the program at the President's request and FY05 amount ($1.9 million), the NVTI does such an efficient job that they forecast with the nearly 50 percent increase my amendment would deliver, they could increase their throughput nearly ⅔, processing many more veterans through (again, mostly via employees in your State). Since 1986, NVTI has developed and enhanced the professional skills of veterans' employment and training service providers nationwide. It is administered by the University of Colorado at Denver with training conducted in Denver, Colorado and at selected regional sites in the U.S. To date 50,000+ veterans' employment and training professionals have attended NVTI training. In addition to the basic employment and training professional-skills course, training is offered in veterans' benefits, transition assistance, case management, marketing and accessing the media, and management of veterans' services. NVTI also offers courses in veterans' reemployment rights case investigation and grants management, to address the training needs of the U.S. Department of Labor Veterans' Employment and Training Service (VETS) staff.

As an unexpected benefit, CBO has scored my amendment to be Budget Authority-neutral, but to save $1,000,000 in FY06 outlays.

Now, 1 million dollars sounds like chump change up here to us, but to Americans voting back home, and to the veterans who are on the streets and in despair, it would pay for quite a lot. And AmeriCorps, I point out, is receiving over a quarter of a billion dollars, so I think the program could spare a mere $10 million.

Mr. Chairman, this is an amendment about priorities. AmeriCorps pays people handsomely for pseudo-volunteerism: $4,725 for a year of full-time service; "a modest living allowance", "limited health benefits, may qualify for child care assistance, and may get your relocation expenses covered". This is not community service, this is a job.

Further, AmeriCorps has a history of accountability problems. Just two years ago, they had severe overcommitments of their funding, which Congress admonished. And this year, the Committee's report has language "directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress". I can assure you they most certainly do lobby the Congress, because my amendment has been on the (negative) receiving end of this.

One other point that the Chairman of the Veterans Affairs Committee has shared: AmeriCorps competes with Armed Services recruiting. It shouldn't, the program on which it was modeled didn't: according to AmeriCorps' website, it is based upon "Franklin D. Roosevelt's vision of the Civilian Conservation Corps (CCC) in 1933—a program created by President Roosevelt to provide relief for the unemployed during the Great Depression and to implement conservation projects. Over 3 million young men served until the program disbanded eight years later, when the United States entered World War II."

Sir, America has relied on the contributions of selfless volunteers for centuries, and the generosity of Americans will endure without a Federal program.

In contrast, veterans are our Federal responsibility, and these two worthwhile programs provide needed help.

ADMINISTRATIVE PROVISIONS

The Committee recommendation includes a number of administrative provisions carried previous years: (1) Language regarding qualified student loans eligible for education awards; (2) language regarding the availability of funds for the placement of volunteers with disabilities; (3) language directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress; (4) language which requires the Corporation to ensure that significant changes to program requirements or policy are made only through public notice and comment rulemaking; and

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Mr. REGULA. Mr. Chairman, I now yield to the gentleman from Illinois (Mr. KIRK) for the purposes of a colloquy.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise today urging the conference, when it meets, to restore funding to the Javits gifted and talented program, which was unfortunately zeroed out in this bill. Javits reaches a critical group of diverse gifted children who are not high income. In fact, they are low income, but have extraordinary abilities.

In my home State of Illinois, education for gifted kids has been cut completely out of the State's budget. In response I developed my own Tenth District laureates program as a way to challenge gifted students in my own district. The program has become a huge success, providing these students with behind-the-scenes access to top academic and cultural institutions in Chicago and surrounding suburbs. And these gifted children were motivated by this unique opportunity.

I think we must fund gifted education on a national level to allow millions of children across the country to have the same types of challenges our Tenth District laureates enjoy. As the only federally funded national gifted program, grants provided through Javits have provided 125 State and local education districts since its inception in 1989, reaching 2 million gifted students nationwide. Last year the program was funded at $11.1 million. It is a program particularly needed, given the low scores of Americans on standard international math and science tests.

Positions in the field of science and engineering are growing at a rapid rate, yet the United States is facing a critical shortage in these areas. Just one demonstration program funded by this grant, the project creating urban excellence in the Bronx, resulted in a 20 percent improvement in math and science scores for all students of the entire school.

I think we must invest in the future of our children, and I urge the conferees to restore funding for the Javits gifted and talented program.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. And I do agree that funding gifted and talented education in this country is an important mission. We must continue to provide support for our brightest students to succeed, especially in the areas of math and science.

I hope the gentleman understands that with such a tough budget allocation, we did not have the resources to support everything we would have liked to have done, including some important and successful programs like the Javits program for gifted and talented students.

I will work with the gentleman from Illinois to address this issue in conference.

Mr. KIRK. Mr. Chairman, if the gentleman will yield, I want to thank my chairman.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY:

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

SEC. _____. None of the funds made available in this Act may be used to carry out section 1860D-1(b)(4) of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

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

Mr. Chairman, Congress has been moving for the last few years to protect the identities, personal information, and privacy of Americans. Almost 2 years ago, the House pushed for a creation of the Federal Do Not Call Registry. Months later, however, Congress passed legislation that will put millions of people's personal information and privacy in jeopardy.

The Medicare Modernization Act allows and encourages the Secretary of Health and Human Services to distribute the personal information of millions of Medicare and Medicaid beneficiaries to private companies for marketing purposes. In light of the number of significant breaches of personal information recently and the widespread reports of identity theft, this amendment would prevent the government from distributing the personal information of millions of Americans to the many companies that may be providing prescription drug plans when the so-called Medicaid Modernization Act goes into effect. If personal Medicare information is given to these providers, our constituents will be subjected to calls from any of the prescription drug plan providers. If we have learned anything from telemarketers, it is that our senior citizens will be harassed at home by plan providers calling and sending direct mail.

Personal privacy is a nonpartisan issue. During the 108th Congress, over 400 Members voted in favor of creating the Do Not Call Registry. Millions of Americans have had their identity stolen, no matter their political affiliation. We can stop the spread of this personal information being carelessly distributed.

I urge support of the gentleman from Oregon's (Mr. DEFAZIO) amendment.

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

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

Obviously this is a Committee on Ways and Means and Committee on Energy and Commerce issue. But let me point out that this amendment will prevent seniors from getting essential coverage information, and that is important. They want to know what their coverage is. They want to know what the coverage will be under the new medical services. This enrollment starts in less than 5 months, and I think this would be a poor time to take away the ability to give seniors information about the new drug benefit. We have a lot of, a considerable amount of money in this bill to provide the necessary employees to disseminate information, take phone calls from seniors who want to find out about the Medicare Modernization Act, and to deprive the CMS of the ability to meet this need would be a serious problem for seniors.

Let us give them every chance to call and to find out about the new Medicare Modernization Act. Let us not in any way limit the availability of information and the access that seniors should have to information about this possible benefit.

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

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

I appreciate the sentiments expressed by the gentleman from Ohio, my good friend, and I understand that he is interested in the best interests of the people in this country, particularly the Medicare and Medicaid beneficiaries.

But the fact of the matter is we have experience in this regard. We have the Federal Employees Health Benefits plan. None of the information about who they are, where they are located, what their telephone numbers may be, is distributed to anyone so that they may be contacted under the provisions of the Federal Employees Health Benefits plan. So why, under this new so-called Medicare Modernization Act, are we communicating that kind of information indiscriminately to a whole host of companies that are now going to besiege senior citizens with phone calls that they are not going to welcome?

We have ways to communicate whatever information we want to to the people who may be the beneficiaries under this program, and they can do that through the existing Medicare and Medicaid programs very simply. There is no reason whatsoever to give this information out indiscriminately so that these people can be harassed.

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

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

I just want to point out to my colleagues that are listening to this debate that the senior organizations want beneficiaries to have access to the new drug benefit. This is why the AARP, the Seniors Coalition, the National Coalition for Women with Heart Disease, the National Kidney Cancer Association, the National Association of Manufacturers, the National Chamber of Commerce, and many others oppose this amendment. I would think that Members would take that into consideration because these cover a broad spectrum of opinions on this and they universally agree that this is a bad amendment.

For this reason I urge Members to vote against it when we have the opportunity to do so.

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

Mr. HINCHEY. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

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

I have been in the highway conference, and I am sorry I was not here earlier, but I understand the chairman may have represented that AARP is opposed. They had bad information yesterday, provided perhaps by majority staff. They are now neutral on this amendment. I have had a conversation with them today. They now understand the amendment goes to the issues of privacy. It does not undermine the outreach program. All it says is we will not give out personal private information. We will not waive the ''Do Not Call'' list for America's seniors and have them solicited by telemarketers at dinner after they have indicated they do not want any telemarketers calling them. That is all we are talking about here. We are saying one small section buried in this huge bill, that no Member here wants to take credit for, that says we are taking away the privacy of seniors to profit private insurance companies and make it easier for them.

Private insurance companies have vast resources. They can find these seniors in other ways. The outreach can be done without violating their privacy. That is what we are talking about here, plain and simple: the privacy of America's most vulnerable. Many seniors are aged. They are not well. They are at risk in this whole process, and they do not want those telemarketing phone calls.

So if we continue with this program, the administration is going to waive those rights, those protections for our seniors, plain and simple. This amendment only restricts the waivers of privacy and an incredible extension of waiving all privacy laws relating to people on Medicare or Medicaid and giving discretion to the Secretary of Health and Human Services to turn over that data as he sees fit, no matter what the will of the seniors is.

Let the seniors make the choice, not the Secretary of Health and Human Services, not the private insurance companies. They should not be telemarketed. This is plain and simple, something that I do not believe a majority of this House knew was in that bill when it was passed.

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

Mr. Chairman, there is no privacy concern because no health information is shared. No personal health information can be disclosed to plan sponsors, period, and all plans are covered under the Federal privacy rule, HIPAA, that restricts the use and disclosure of personal health information. Furthermore, plans are only allowed to use the contact information for marketing Medicare prescription drug plans and facilitating beneficiary enrollment. They cannot use the contact information for any other purpose.

For all these reasons, I urge my colleagues to vote against this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. 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. ENGEL:

Page 108, after line 21, insert the following section:

SEC. 5____. With respect to amounts appropriated for any of the fiscal years 2000 through 2005 for carrying out part A or B of title XXVI of the Public Health Service Act, amounts that have been provided as grants under such parts and that lapse at the end of fiscal year 2005 if unexpended by the grantees are hereby made available through the end of fiscal year 2006.

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

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

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

I am offering this amendment and I will withdraw it because of a scoring problem, but I did want to bring this to the committee's attention. Today over 1 million individuals in the United States are infected with HIV, including about 406,000 with AIDS. New York City is one of the national epicenters of the HIV/AIDS epidemic, with over 110,000 people infected with HIV. Over 30 percent of those infected in New York City are women, and 75 percent are from minority groups. These devastating numbers are ones that my constituents are all too familiar with.

Like many of our colleagues, I was deeply disappointed that the critical AIDS drug assistance programs, known as ADAPs, only received a $10 million increase in this year's Labor-HHS appropriations bill. There is no question of the need for ADAPs. They have become a cornerstone of the Ryan White CARE Act since advances in drug treatments like antiretroviral therapies have had a profound effect on extending the quality and length of life of those infected with HIV/AIDS.

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Appropriate and consistent treatment results in near complete suppression of HIV as well as preventing the emergence of drug resistance. Yes, it is expensive, but every life saved is worth it.

The President last year authorized a $20 million one-time emergency supplement to the ADAP program that will expire this September. Even with this emergency measure, as of May 12 of this year, almost 1,900 individuals were on ADAP waiting lists in 10 States. Nearly every ADAP State has already had to make incredibly tough choices on cost containment measures, such as closed enrollment, reduced formularities, per capita expenditure limits, lowered income eligibility, waiting lists, and increased client cost-sharing. Nine States even require individuals applying for ADAP to demonstrate HIV/AIDS advanced disease progression, at which point drug assistance has only a limited benefit.

Now, Mr. Chairman, it has come to my attention that many States have Ryan White CARE Act funds appropriated to them in previous legislative years that are at risk for expiration. My amendment simply grants a 1-year extension to States to use expiring, unexpended CARE Act funds, rather than allowing the funds to return to the Treasury. I do not understand why this was scored the way it was, and I intend to fight for a change.

The unspent funds typically result in delays in notice of grant awards from the Federal Government, timing issues relating to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level.

This Congress, we will reauthorize and continue to improve the Ryan White CARE Act, which will likely address some of these financing issues.

In the meantime, it is unfortunate that CBO scored my amendment as a new appropriation, as preserving these expiring, previously appropriated funds would have given States a new window of opportunity to help more people.

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

The CHAIRMAN. Does any Member seek time in opposition?

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 appropriation bill and, therefore, violates clause 2 of Rule XXI, which states in part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

This amendment addresses funds in other acts.

The CHAIRMAN. Does any Member wish to speak on the point of order?

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

Mr. REGULA. I yield to the gentleman from New York. It is my understanding the gentleman is going to withdraw the amendment.

Mr. ENGEL. Yes.

The CHAIRMAN. The gentleman from Ohio may not yield on a point of order.

The Chair will recognize the gentleman from New York on the point of order. Does the gentleman seek to speak on the point of order?

Mr. REGULA. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The point of order is again reserved.

The gentleman from New York (Mr. ENGEL) has 2 minutes remaining on his amendment.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. I would like to compliment him on a very thoughtful amendment.

I would hope, as this idea makes its way through conference, we can be constructive as the reutilization of unexpended Ryan White CARE Act funds will be a very great need to our various States.

In 1988, 1989 when the Ryan White CARE Act was initially authorized, Texas was number 13 on the list of HIV-infected persons. We are still facing the devastation of HIV/AIDS, and we realize that the number one killer of African American women from 25 to 44 is HIV. In addition, we have seen it increasing in other populations, Hispanics and Asians.

So for the sake of States that have not yet expended these dollars, this is a very important amendment. In particular, in my community, the Donald Watkins Foundation, Brentwood, St. John's, Montrose Clinic, Montrose Counseling, and the St. Thomas Clinic would benefit from these dollars. But I hope we will find a way to work through with the gentleman, and I thank him very much for a very thoughtful amendment. We need these unexpended funds, and we need them now.

Mr. ENGEL. Mr. Chairman, for the balance of my time I would like my friend, the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, to engage me in a brief colloquy.

Mr. Chairman, as I mentioned before, I intend to withdraw this amendment, but I hope this is an issue with which we can work as this bill moves through

the process. Ryan White funds and the AIDS Drug Assistance Programs provide critical assistance to our communities and our States, and they need further flexibility to expend expiring Ryan White CARE Act funds. I would ask the chairman if he would work with me in this regard.

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

Mr. ENGEL. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in response to the gentleman's comments, I would point out that we do have a modest increase in this program, and we will be sensitive to the gentleman's concerns in conference as we try to balance out all of the challenges that we have in this bill in terms of the resources available.

Mr. ENGEL. Mr. Chairman, I thank the chairman for his attention.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today to speak in support of Mr. ENGEL's amendment to the H.R. 3010, the Labor HHS Appropriations bill. Mr. ENGEL's amendment would grant states an extension to use their expiring, unexpended Ryan White CARE Act funds, appropriated in previous years, through fiscal year 2006. The amendment would therefore prohibit expiring funds from being returned to the Treasury before the end of FY06. Reports indicate that State AIDS directors unanimously agree that expiring unexpended funds must be put back into the CARE Act, rather than being returned to the Treasury as is currently the case.

While administering Ryan White Care Act funds, States and Eligible Metropolitan Areas periodically finish fiscal years with small amounts of unspent funds. These amounts, typically ranging from five or ten percent of overall awards, may be requested in the subsequent fiscal year to provide services during that fiscal year. The unspent funds typically result from delays in notice of grant awards from the Federal government, timing issues related to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level. Occasionally, the amount of unexpended funds reaches beyond ten percent of a grantee's overall award for reasons specific to the individual jurisdiction.

Currently, the FY06 Appropriations bill provides $2.1 billion for Ryan White AIDS programs, which is $10 million (2 percent) more than the current level but equal to the administration's request. This total includes $610 million for the emergency assistance program—which provides grants to metropolitan areas with very high numbers of AIDS cases—$1.1 billion for comprehensive-care programs, $196 million for the early-intervention program, and $73 million for the Pediatric HIV/AIDS program.

In closing, it is important for me to say a few words about Ryan White. As many of you know, as a result of his infection, Ryan White was expelled from his school, on the account of being a 'health risk' to other students. This shameful behaviour on behalf of the school board, as well as multiple death threats to him and his family, required the White family to move to Cicero, Indiana. Having found relative peace in Cicero, Ryan White began a nationwide campign to help educate communities about HIV/AIDS. His inscesant work landed him in Washington, DC to testify before the President's Commission on AIDS. His words, works, and wills, were enshrined in The Ryan White CARE (Comprehensive AIDS Resource Emergency) Act, signed 4 months after his death (April 8, 1990).

This is a very important issue, and I urge my colleagues to support the Engel amendment.

Mr. ENGEL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Chairman, I take this time at the end of the bill to explain why I am going to vote against the bill. I am speaking as one Member of the House; I am not speaking as ranking Democrat on the subcommittee or committee. I simply wanted people to know why I am going to oppose this bill; and I want to, at the same time, explain my motion to recommit.

The good thing about this bill is that we repaired most of the damage to the Corporation for Public Broadcasting. Most, but not all. But let us understand, this bill, in my view, is still an assault on the country's future. This bill is just the start of cuts planned over a 5-year period to implement the Republican budget resolution that is placing the importance of $140,000 tax cuts for those making $1 million a year ahead of our long-term investments in education of our children, the health care of our people, and the security of American workers.

This is the most important bill that we will consider this year in terms of meeting the needs of the average American family and in building the long-term strength of our society. More than any other, it is the bill where we care for our neighbors. It is the bill that determines how well we meet our obligations to those in society who have not been among the most fortunate. This bill fails to meet those tests in some dramatic ways, and I would like to point out just a few of them.

Because of the fact that this House is deciding that large tax cuts for very well-off people are more important than anything else, this bill, on the worker protection front, guts the program that we rely on to try to protect our workers from having to compete against child and slave labor. It cuts that program by 87 percent, this at a time when the administration is asking that we pass new trade legislation with CAFTA.

Seven and a half million Americans are out of work, but this bill cuts the employment service by $116 million. Forty-five million Americans are without health insurance, but this eliminates community access programs that help people get that health care. This bill cuts by 84 percent the funding for training grants for health care professionals. It cuts rural health programs by 41 percent.

The number of grants at NIH for research in all kinds of diseases will be cut by 500 from just 2 years ago. The community services block grant, the program where the poorest people in this country turn when they have nowhere else to go, is cut by half in this bill, and the No Child Left Behind bill is cut by some $800 million below last year. Mr. Chairman, 1.7 million fewer disadvantaged children will receive care under after-school programs, and 56,000 fewer teachers will get high-quality training. This bill provides only half of the increase promised by the Republican majority for the maximum Pell grant.

So for all of those reasons, I am going to offer a straight motion to recommit so that this bill can go back to committee, so that these items can be corrected, with one addition. As we said earlier, we found out today that our efforts to try to increase funding for veterans health care for the last 6 months were absolutely necessary, even though we had been told by the VA that they had more than enough money for veterans health care.

We want this bill to go back to the committee so that the committee can also do what it should have done in the first place, which is to add $1 billion on an emergency basis to take care of the shortfall in VA health care that the White House and OMB have been hiding from the American people and hiding from veterans for months.

So I will personally urge a vote for my motion to recommit; and when the vote on final passage comes, I will vote against it, because this bill just does not measure up to our national obligations.

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. 14 offered by Mr. HAYWORTH of Arizona; amendment offered by Mr. VAN HOLLEN of Maryland; amendment No. 11 offered by Mr. PAUL of Texas; amendment offered by Ms. DELAURO of Connecticut; and amendment No. 1 offered by Mr. HINCHEY of New York.

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

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the 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 vote was taken by electronic device, and there were—ayes 146, noes 256, not voting 31, as follows:

[Roll No. 315]

AYES—146

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Blackburn
Boehner
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Ney
Northup
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pitts
Pomeroy
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shaw
Shuster
Simpson
Smith (TX)
Sodrel
Sullivan
Tancredo
Taylor (NC)
Thornberry
Tiberi
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—256

Abercrombie
Ackerman
Alexander
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Platts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ros-Lehtinen
Ryan (OH)
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

□ 1549

Ms. GRANGER, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, and Messrs. MARSHALL, GONZALEZ, BOEHLERT and GRAVES changed their vote from ''aye'' to ''no.''

Messrs. EVERETT, BONNER, GILCHREST, MARCHANT, RYAN of Wisconsin and Mrs. NORTHUP changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO PERMIT 5-MINUTE VOTING ON MOTION TO RECOMMIT

(Mr. DELAY asked and was given permission to speak out of order.)

Mr. DELAY. Mr. Chairman, I simply want to put all Members on notice that as soon as the Committee rises, I will seek an order of the House to permit 5-minute voting on any motion to recommit.

I mention this now so that Members can have as much notice as possible.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 5-minute voting in the Committee of the Whole will resume.

There was no objection.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) 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—ayes 224, noes 178, not voting 31, as follows:

[Roll No. 316]

AYES—224

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bass
Bean
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frank (MA)
Gingrey
Gonzalez
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff

Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Thomas
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1557

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. 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 97, noes 304, not voting 32, as follows:

[Roll No. 317]

AYES—97

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Cannon
Chabot
Chocola
Cole (OK)
Cox
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hinchey
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson (IL)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCotter
McHenry
McKinney
McMorris
Miller (FL)
Miller, Gary
Moore (WI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Sodrel
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Weldon (FL)
Weller
Westmoreland
Wexler

NOES—304

Abercrombie
Ackerman
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meek (FL)
Meeks (NY)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1604

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. 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 165, noes 234, not voting 34, as follows:

[Roll No. 318]

AYES—165

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Costa
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jefferson
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1610

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. 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 192, noes 210, not voting 31, as follows:

[Roll No. 319]

AYES—192

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner

Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Berman
Bilirakis
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1618

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Chairman, due to a previous and unavoidable appointment, I was unable to vote on several amendments to H.R. 3010, the FY 2006 Labor, Health and Human Services, Education Appropriations Act. Had I been present, I would have voted ''aye'' on rollcall votes numbered 315, 316 and 317, and ''no'' on rollcall votes numbered 318 and 319.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006''.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I rise in support of the proposals that seek to prohibit the use of funds in the bill to distribute the personal information of Medicare and Medicaid beneficiaries to private companies for marketing purposes. The Americans who receive Medicare and Medicaid benefits already suffer from ailments that debilitate and weaken them from a health standpoint. This legislation should not be permitted to debilitate them from a fiscal standpoint either.

According to data, more people were covered by Medicare and Medicaid in 2003 than in 2002, while the percentage and number of people covered by their employers fell from 61.3 percent—175.3 million people—to 60.4 percent—174 million people. Mr. Chairman, this is a lot of people whose personal information could be jeopardized by the haphazard distribution to the marketing community.

The situation with Choicepoint and others should provide more than adequate proof that information can be used to harm people and that it can be done rapidly. Allowing funds to facilitate the free dissemination of personal information by the Federal Government only exacerbates the vulnerable nature of personal information databases. The Medicaid and Medicare databases were not created for the purpose of business development; therefore, the information contained in these databases should be protected unless consent is obtained from the person described therein.

For these reasons, Mr. Chairman, I support the gentleman's amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, the bill would decrease funding for disadvantaged children in low income schools by $115.2 million from FY 2005 levels. The bill also included $258.5 million less for the Bureau of Health Professions in the Health Resources and Services Administration that administers important health professions training, scholarship, and loan repayment programs, including programs encouraging diversity in the health workforce. The legislation included $84.6 million less for rural health programs than was provided in FY 2005. Because I believe this bill would have inadequately funded important education and health programs, I would have voted against the legislation.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to the funding levels in H.R. 3010, the FY 2006 Labor-HHS-Education Appropriations Act, for the No Child Left Behind (NCLB) Act, the Individuals with Disabilities Education Act (IDEA), and Title VII Health Professionals programs.

I voted for NCLB because I believe in increased accountability for our nation's public schools to ensure that the promise of a high-quality public education can be realized for each student in our nation. Before the vote on NCLB, I heard reservations from local educators and my constituents that NCLB not become another unfunded mandate like IDEA for special education. When Congress approved and the President signed NCLB, however, I believed that the federal government would provide the promised funding to enact these reforms.

Since 2002, Congress and the Administration have not fully funded NCLB. In H.R. 3010, Congress and the Administration cut NCLB overall funding by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion for FY 2006 and over $40 billion since the law's enactment.

In addition, H.R. 3010 cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only an $100 million increase. The Administration's request was already inadequate, but these additional cuts put Title I funding $9.9 billion under what is promised under NCLB for FY 2006.

Congress and the Administration have not fully funded IDEA, a program that helps local schools and school districts pay for the costs of providing educational services to special needs children that are mandated by federal law. The federal government has never provided 40 percent of the costs it initially promised when it enacted this important law. H.R. 3010 provides $3.9 billion less than Congress promised in the IDEA Improvement Act of 2004. In addition, this bill even cuts the $508 million increase proposed by the Administration to only $150 million. Under this bill, the federal share of special education costs will actually drop from 18.6 percent to 18.1 percent next year.

In the 2004–2005 school year, 10 states and 7,194 school districts saw cuts in Title I funding, including my state of Kansas. For the 2005–2006 school year, Kansas along with nine other states will again receive less Title I funding. For my home state of Kansas, the combined funding shortfall for NCLB and IDEA for FY 2006 is $240 million, which is shifting the burden of meeting these new requirements back to Kansas taxpayers. With the deadline of expanding assessment to grades 3 through 8 scheduled for the 2005–2006 school year and more districts being identified under Adequate Yearly Progress (AYP), Congress and the Administration are not keeping pace with increasing demands at the local level.

The federal government must provide our school with the resources and tools necessary to help them meet the new standards imposed by NCLB. It is simply a matter of fairness and common sense. This is why I have introduced H.R. 2694, the Keeping our Promises to America's Children (KPAC) Act of 2005. This legislation would suspend implementation of NCLB until the law is fully funded.

I would also like to express my concerns about the cuts to Title VII Health Professions programs included in H.R. 3010. The elimination of the programs will have an immediate impact on the training and recruitment of health professions students and the educational opportunities developed and supported by Title VII.

Title VII programs are unique in that they are the only federal investment in interdisciplinary training, which is vitally important, as care is often provided in several different settings.

The programs are also designed to enhance minority representation in the health care workforce and reduce shortages of health professionals in underserved areas, such as inner cities and the many rural regions throughout

the country. Community Health Centers and the National Health Service Corps, for example, rely on graduates of Title VII programs to fill their ranks.

Congress talks a lot about values. I think a true measure of values is not what people say, but where Congress decides to spend our money or make budget cuts. Funding for these important programs must be restored in the final FY 2006 Labor-HHS bill. These cuts account for almost $6 million in Kansas and $5 million for the K.U. Medical Center.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, today we will vote on H.R. 3010, the Labor, Health and Human Services, and Education bill for fiscal year 2006. On behalf of the educators, administrators and students in Dallas, Texas, I would like to express my strong opposition to the education appropriations outlined in this measure. The inadequate overall funding in H.R. 3010 completely undermines the public prioritization of education as a paramount concern.

Make no mistake—these education cuts come as no surprise. Beginning with the passage of the House budget resolution for FY 2006, my Republican colleagues have shown their true intentions with regard to education funding. As passed, the budget resolution provides $56 billion in discretionary funding for the Department of Education. This is a $530 million, or 0.9 percent decrease over the current fiscal year (FY 2005). This is the first time in over a decade that total education funding has been cut.

Although our children have no legislative voice, they represent our Nation's future and deserve our investment in their education today. As it stands, H.R. 3010 would cut funding for reading tours, teacher quality initiatives, bilingual instruction, class size reduction, school modernization, violence prevention initiatives, afterschool services and many other vital programs.

Specifically, the House Labor-HHS-Education Appropriations bill would cut. No Child Left Behind by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion next year and over $40 billion since enactment. The bill also cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only $100 million. The Administration's request was already inadequate. However, under this bill, Title I funding will be $9.9 billion below NCLB's funding promise for FY 2006.

The bill freezes After School Centers, virtually for the fourth year in a row at $991 million even though only 38 percent of all after school applications nationwide could be funded last year. We are turning away children even though more than 14 million kids are unsupervised after school each day.

It slashes Education Technology by $196 million (39.5 percent) on top of a $196 million cut last year. One in four states have no other dedicated technology funds to track NCLB student achievement data, improve teachers' use of technology, and close the achievement gap through online learning.

It eliminates Comprehensive School Reform grants to 1,000 high-poverty schools by eliminating the program. Rigorous independent evaluations have shown that comprehensive school reform models such as Success for All, America's Choice, High Schools That Work, First Things First, and Talent Development are making a significant difference in helping schools implement integrated, schoolwide reform strategies. This bill turns its back on these schools.

The bill cuts investments in teachers. It freezes the main NCLB program to put a qualified teacher in every classroom—Teacher Quality State Grants—at $2.9 billion for the 3rd consecutive year of a freeze or cut. The bill denies 80 percent of the Administration's $500 million request to provide an incentive for the best teachers to teach in the most challenging high-poverty schools. It cuts funds requested for math and science teachers by $79 million (29 percent). It even cuts teacher training in American history by $69 million (58 percent).

It freezes Impact Aid payments to 1,300 school districts for over 1 million military and other Federally-connected children, funding Impact Aid at approximately 35 percent below the maximum payments authorized for FY 2006. The bill also freezes flexible innovative education grants, English language training, civic education, State assessments, and rural education. Some of these programs have been frozen for four years in a row.

Although the Republican Majority promised low-income students a $100 increase in the maximum Pell Grant in the 2006 Budget Resolution, this bill provides only half that. The $50 increase would offset only 2 percent of the additional $2,300 in four-year public college costs since 2001.

If enacted, H.R. 3010 would be a grave disservice to our children and the future of our Nation. For these reasons and more, I oppose the unsatisfactory education funding levels in this appropriations bill.

Unfortunately, underfunded education initiatives is not the only problem with this bill. The bill disinvests in job training and help for the unemployed—cutting these programs by $346 million below the current level while 7.6 million Americans remain out of work.

Finally, this legislation lacks appropriate funding levels for in the human services area, the Committee cuts in half the Community Services Block Grant, a program aimed at helping the poorest people in our communities who often have no other place to turn. This is an improvement over the President's plan to abolish the program entirely, but it still leaves more than 1,000 local community services agencies seriously short of resources to assist low-income people. The purpose of this block grant is to provide flexible funds to meet whatever a local community considers their most important needs, whether it be for job training, emergency food aid, programs for low-income seniors, or home weatherization.

The bill also cuts the Low-Income Home Energy Assistance Program (LIHEAP) by almost $200 million—even though there's no reason to expect that we won't have another winter of sky-high heating oil and natural gas prices. Over the past four years, the average cost of heating a home with oil has almost doubled, and the share of that cost covered by the average LIHEAP grant has fallen by half, from 49 percent to 25 percent.

Clearly, I cannot support this bill as written. In its current form, this legislation is nothing less than an insult to the American people. It inadequately and irresponsibly allocates money to Labor, Health and Human Services, and Education. However, should this bill return from the Senate with the appropriate funding levels, I will gladly support it. I sincerely hope we can work out the problems and pass a responsible bill that responds to the needs of our children, workers, and elderly citizens.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant opposition to the Labor-HHS-Education Appropriations bill. I say reluctant because as a member of the Labor-HHS-Education Appropriations Subcommittee I have worked closely with the other members of the subcommittee during our budget oversight hearings and especially with our chairman, RALPH REGULA, to highlight programs of importance to my constituents. Chairman REGULA and the staff of the subcommittee have been extremely patient with my many requests, and Chairman REGULA has been extremely generous, within his tight budget allocation, in trying to make progress on several important priorities of mine.

The first of those priorities is the national media campaign to fight underage drinking, which is currently underway by the Ad Council. Although the subcommittee has provided project funds for this important effort in the past, for the first time, the chairman has included this funding as a programmatic priority in the office of the Secretary of Health and Human Services. Representative FRANK WOLF and I were joined by 44 of our colleagues in requesting the funds to carry out a multimedia campaign directed at parents, and I am grateful to Chairman REGULA, who understands the terrible impact of underage drinking on our youth and the importance of an effective national media campaign to address it.

In addition, Chairman REGULA has provided increases in two areas to help infants and their families. First, CDC—the Centers for Disease Control and Prevention—conducts a national program for education and prevention of birth defects by encouraging women of childbearing age to take the recommended amount of folic acid daily. Based on this effort, as well as the fortification of U.S. grain products with folic acid, the rate of neural tube defects has decreased by 26 percent over 7 years, and the committee has continued to provide incremental increases to this important CDC program. Second, the committee has increased funds for the Health Resources and Services Administration's newborn screening program for early identification of infants affected by certain genetic, metabolic, hormonal and or functional conditions for which there are effective treatment or intervention. In the report, HRSA is encouraged to use these new funds for the development of parental and provider education material and programs to promote the importance of newborn screening.

I appreciate Chairman REGULA's generosity in providing funds for these priorities. He truly understands that the Labor-HHS-Education Appropriations bill is the people's bill. It makes it doubly difficult for me to cast a vote in opposition to the bill because I know he has worked hard to distribute the limited resources he has been given in a fair and conscientious way. My ''no'' vote on this bill should therefore in no way be seen as a lack of respect or lack of appreciation for RALPH REGULA and his efforts on behalf of those who depend on the resources provided in this bill.

However, this bill, more than any other appropriations bill we act on, by providing the funds for health and education programs of importance to our constituents, I goes to the

heart of what we Democrats in the House stand for and for what I stand for as a Member of Congress representing the people and communities of the 34th District of California. These programs are just too important, and the cuts and terminations in this bill are just too severe, for me to vote for this bill at this time.

I will continue to work with Chairman REGULA, Ranking Member DAVID OBEY, and the other members of our subcommittee as we conference the bill with the Senate, with the hope that we can identify additional funds and make the improvements to this bill that will make it one of which we can all be proud and which we can all support.

Ms. DEGETTE. Mr. Chairman, I rise to express my concern that funding for Title VII programs have been cut in this bill. VII programs provide direct financial support for healthcare workforce development and education. It is imperative to provide adequate funding so that well-trained health care providers can continue to meet the needs of the American people.

The house showed great leadership last year by providing $300 million in funding, and I believe that any decrease could hamper the programs' ability to train health professionals to care for the neediest populations.

The President's budget proposes, for the fifth year in a row, to eliminate many of the programs that educate and train a variety of health care providers, such as pharmacists, dentists and pediatricians.

For a number of years now, I have organized Members to express support for this important program, and urged the Appropriators to fully fund it in the Labor-Health and Human Services-Education bill. For the first time this year, the House has failed to restore this funding.

These massive cuts will eliminate key programs that make it possible for our health professions schools to develop training infrastructures and high quality education.

The Title VII Health Professions programs are also the only federal programs designed to train providers in interdisciplinary settings to respond to the needs of special and underserved populations.

The programs have shown to increase minority representation in the health care workforce, which I believe is absolutely essential for our health system.

At a time when the American people have come to rely on their health care providers more than ever, eliminating this resource would be devastating to the country's neediest communities.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment to prohibit any funds from being spent by the Department of Education in violation of current federal law.

According to existing federal law, any state providing illegal aliens in-state tuition discounts must provide these discounts to all students, regardless of state of residence. Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 clearly states that:

''Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.''

My amendment simply seeks to enforce existing law.

Not only is providing in-state tuition to illegal aliens against the law, it would also place a huge financial burden on our society. The costs to states of providing in-state tuition to illegal aliens throughout the U.S. help illustrate the high cost of these measures. Approximately 126,000 illegal aliens under 21 were enrolled in college in the year 2000. At nonresident tuition rates, they would pay between $503 million and $655 million annually. If they were made eligible for in-state tuition discounts, they would pay only $155 million to $201 million—leaving taxpayers to make up the difference of $349 million to $454 million. Given the fiscal constraints our nation is currently under, no good reason exists to spend additional money to give tuition discounts to illegal aliens.

As public universities across the country increasingly limit enrollment increasing the intake of illegal aliens into these schools will mean fewer opportunities and less aid for United States citizens and legal immigrants. This will also result in greater expense to the state taxpayers. Out-of-state tuition is typically two to three-and-a-half times higher than in-state tuition. The revenue lost as a result of providing in-state tuition to illegal aliens would have to be paid for by someone.

Finally, giving special treatment to illegal aliens is fundamentally unjust to legal immigrants who have invested a great deal to comply with our immigration laws or obtain legal citizenship. We should not reward those who have broken our immigration laws with the same benefits as those who have made an effort to respect the law. This measure is a fundamentally unjust and expensive attempt to integrate illegal aliens into our state and federally funded higher education systems.

Please join me in supporting this amendment to enforce existing law and avoid rewarding law-breakers.

Mr. BLUMENAUER. Mr. Chairman, the fiscal year 2006 Labor, Health and Human Services, Education, and Related Agencies appropriations bill is one of the most important bills for shaping our domestic priorities. Unfortunately the bill before this Congress imposes draconian cuts to the essential services that Americans rely on everyday.

The $1.2 billion cuts spread throughout these agencies will be devastating to the future of our Nation. I am astonished to see that the Department of Education will see its smallest increase in a decade, which comes at a time when school districts across the Nation are struggling to come up with adequate funding to address the unfunded mandates of President Bush's No Child Left Behind. This is the wrong kind of message to be sending to our children and teachers.

The one positive point during this debate was the passage of the amendment to restore the $100 million cut to the Corporation for Public Broadcasting (CPB). This vote signaled the bipartisan support that can be rallied to overrule the ideologically driven agenda of some in Congress. Millions of people across the country contacted Congress this week in support of CPB and the overwhelming vote in favor of the amendment to restore funding (284–140, 87 Republican and every Democrat in support) is an indication of the more reasonable approach the country expects from Congress.

Unfortunately, this bill eliminates 48 programs and slashes funding for critical programs across the country. I will not support a bill that falls so short in meeting America's needs, in fact, creates more disparities. We must do better to address the obligations we have to the people of this country.

Mr. KUCINICH. Mr.Chairman, I rise today to join my colleagues in urging full funding of the National Children's Study.

Two of the most important health studies ever conducted were large, ambitious epidemiological studies. The Framingham Study followed the health and risk factors of thousands of men and women for fifty years. The result has been a major change in the way we view, treat and prevent heart diseases. The Nurse's Study has monitored the health of over one hundred thousand women for decades. It, too, has resulted in unprecedented leaps forward in public health.

Now, we must turn our attention to one of the biggest sources of public health threats of our time: our own environment. The National Children's study will follow 100,000 children from before birth until age 21. Similar to the Framingham study and the Nurse's study, it could yield giant steps forward in our efforts to solve some of the most complex and pervasive health problems of our time: obesity, asthma, and autism are just a few. And we could start to see results within a few years of data collection.

Yet the study has been left in a holding pattern. In order to begin recruiting participants in the study, 69 million dollars is required for this year. Only 12 million dollars is provided in the FY 06 Labor HHS bill.

I hope that the conference committee allocates 69 million dollars in the conference report for the FY 06 Labor HHS Appropriations bill to the National Children's Study. We are not doing our future children any favors by postponing this study until it is financially convenient. The need is here. The possibilities are here.

Mr. BISHOP of New York. Mr. Chairman, today I rise to express my deep concerns about how this bill falls $1.6 billion short in funding our Nation's most critically important domestic priorities—particularly education. This bill is a stunning example of the impact that this Congress's misplaced priorities can have on what most consider to be a basic human right—access to a quality education.

We have made a conscious choice: While we give away tax cuts worth $140,000 to millionaires, families earning $25,000 to $30,000 a year won't be able to afford sending their children to college this year. It's an unconscionable choice that defies our priorities and our values of standing up for middle class Americans.

Before I was elected to Congress, I spent 30 years as a college administrator. In that time, I came to fully understand how difficult it is for students and their families to afford college. Every day, I worked with parents and their children—scraping up money, grants, scholarships, whatever we could find—to help them realize part of the American dream—the opportunity to earn a college education.

But for the fourth straight year, Congress has short-changed students by cutting billions of dollars from the authorized level under law—$13.2 billion short of what is authorized for FY 06 and over $40 billion short since its enactment in 2001.

Another public law we have abandoned is the IDEA Improvement Act, which has been underfunded by nearly $4 billion since its enactment. For our Nation's 7 million disabled children, IDEA Part B grants alone fall short of the President's budget request by over $500 million.

At a time when some of the Nation's poorest school districts are fighting to stay open, this bill cuts Title I funding for the neediest of our elementary and secondary schools by $500 million below the President's request.

While in the past year alone, tuition has increased an average of 10.5 percent at 4-year public universities, this bill provides only a modest $50 increase in the maximum Pell grant—a full $1,000 short of what the President promised in 2001.

And, ironically, at a time when this Administration and Republican Congress talk about morality and family values in public affairs, this bill cuts local public TV and radio funds for childrens' shows like Sesame Street and Reading Rainbow.

My specific concerns about the higher education shortfalls stem from my belief that a quality education is integral to the success of Americans and the nation as a whole. As an increasing number of students graduate from high school and pursue postsecondary education and training, we must make the necessary investment to deliver accessible, affordable and excellent education to all Americans.

Each year, millions of hardworking American students and their families struggle to cover the cost of attending college, even after exhausting all of the options available to them such as scholarships, student loans, Pell grants, and college work-study.

The typical low-income student falls $3,800 short of college costs even after their family contribution, student loans, grants, and work have been accounted for.

Today, an affluent student in the bottom percentile of their class is more likely to go to college than an economically disadvantaged student at the top of their class.

With college enrollment expected to expand by 14 percent, to more than 15 million students over the next decade, now is the time that Congress must invest its resources towards helping students gain access to college.

But under this bill, the percentage of college costs covered by the Pell Grant would drop to a new low of 32 percent. This is compared to thirty years ago when the Pell Grants paid for 72 percent of the cost for a 4-year public college.

The lack of a significant increase in the Pell Grant comes at a time when changes to the tax allowance formula used to calculate the Department of Education's ''Expected Family Contribution'' eliminated Pell Grant awards for over 90,000 students, and reduced scholarships for an additional 1.3 million students.

For the second year in a row, this bill also freezes funding for Supplemental Education Opportunity Grants (SEOG) and College Work Study. This is the second year in a row that SEOG and Work-Study have received flat funding.

With this bill, we have made a conscious choice—to provide more comfort for the comfortable at the expense of those who are trying to make a better life for themselves.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 3010, the Departments of Labor, Health and Human Services and Education Fiscal Year 2006 Appropriations Act. H.R. 3010 severely under funds education, health care, and job training efforts that are crucial to North Carolina and to the country.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, these education cuts will destroy the morale of our teachers, parents and students. Not only does this appropriations bill continue to under fund No Child Left Behind, but it also shortchanges special education for 6.9 million children, fails to raise the maximum Pell Grant and eliminates successful education initiatives like drop out prevention. These education cuts will make it impossible for our schools to meet high standards of accountability.

Unfortunately, H.R. 3010 also fails to provide adequate funds for key health care programs. In rural communities it is often hard to find a doctor, and emergency rooms can be dangerously far away. This appropriations bill slashes funding for rural and preventative health. Activities that would be terminated include initiatives designed to encourage new medical and dental school graduates to choose primary care specialties and to practice in rural and urban under-served areas. I am also concerned about the inadequate funding for Preventative Health Block Grants and Community Health Centers, both of which provide much needed services to the people of North Carolina's 2nd District.

Mr. Chairman, I urge my colleagues to vote against this bad bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 3010, which provides federal funding for health, education and worker programs. This bill contains $1.6 billion less than the current year and fails miserably to make important basic investments in education, healthcare, job training and job protection programs.

On healthcare, the bill takes a huge step backward in efforts to maintain basic health care services for the people in this country who are uninsured or underinsured. It eliminates the Healthy Communities Access Program, which helps health centers and public hospitals provide care for the uninsured. The bill cuts rural health care program funding almost in half, and it wipes out almost all of the Title VII health profession training programs that institutions like the CU Health Sciences Center need in order to provide critical training and education for medical students and residents who aim to practice in rural, low-income, and under-served areas.

And while the bill eliminates or cuts funding for several programs, it also fails to adequately fund others. The bill is $200 million short for community health centers to cover rising health care costs at existing centers or to expand care for the uninsured. The National Institutes of Health, which works to find cures for many diseases, gets a paltry .5 percent increase in funding, the smallest percentage increase in 36 years which is not even enough to keep up with inflation in research costs. State and local health departments will be hobbled in protecting the public against infectious and other diseases because the bill cuts the Preventive Health Block Grant by 24 percent. Further, grants that help health departments improve their preparedness against bioterrorism and other public health emergencies are cut by $75 million. And the Ryan White AIDS programs funding is frozen, even though the number of people living with HIV/AIDS has been rising by more than six percent each year.

On the education front, the Republican Majority has imposed the first freeze on education funding in a decade while requiring local school districts to implement federal mandates under the No Child Left Behind Act. Though I am pleased to see some of the programs that were cut in the President's budget were restored in this bill such as vocational programs, I am concerned by the low levels of funding for several education programs.

Our nation has seen a decreased number of students studying the science, technology, engineering and mathematics (STEM) disciplines, and in turn fewer Americans are seeking careers in STEM fields. The Math and Science Partnership provides grants to recruit STEM majors into teaching, and links current teachers with state agencies or universities to improve teaching skills. This program, coupled with its counterpart at the National Science Foundation, works to improve the quality of teaching in math and sciences that will excite students to study these disciplines. This bill cuts this program by $11 million from the current budget and $79 million below the President's request. Unless we invest in these programs we will continue to see the decline in the number of STEM majors and those seeking these careers.

I am also concerned by the funding levels provided for Part B state grants under IDEA. Last Congress we passed an authorization for IDEA that sought to reach full funding of the program by 2011. This budget is $3.9 billion below the FY2006 level authorized in the IDEA Improvement Act. Though I am pleased to see this program received an increase of $140 million over the FY05 level, I do not think we are doing enough to help states provide adequate education for disabled students.

I am pleased that the House approved the Obey amendment to restore $100 million for public broadcasting. The Corporation for Public Broadcasting provides an important service to Americans that could not be possible without federal funding. In an effort to maintain independence the Corporation for Public Broadcasting receives funding two years in advance. I believe it is important to maintain the independence of public broadcasting and we should not be taking from already appropriated funds. I am proud that the House acted to protect this excellent programming and reject the cuts originally included in this bill.

Overall, this bill makes drastic cuts to critically important health care, education and job training programs, and it fails to adequately fund other programs and that is why I cannot support it.

Mr. KELLER. Mr. Chairman, I am pleased that both Republican and Democrats have accepted my amendment and that it has passed today as part of the unanimous consent agreement.

Mr. Chairman, I believe it was a colossal waste of taxpayer dollars by the U.S. Department of Education to pay $240,000 to columnist Armstrong Williams to promote The No Child Left Behind Act.

This amendment ensures that it will never happen again by providing that no taxpayer

funds shall be used, either directly or indirectly, by private contractors, which include public relations firms, journalists, and media commentators, to support or defeat legislation pending before this Congress.

The policy behind my amendment is straightforward. Using taxpayer dollars to bribe journalists to bias their news coverage in favor of legislation is a waste of taxpayer money, it is a black eye on the independence of our free press, and it undermines the integrity of our democracy.

Mr. Chairman, let me give you some background as to why this amendment is necessary. In January of this year, media reports revealed that the U.S. Department of Education entered into a $1 million contract with a private contractor, known as the Ketchum Public Relations firm. This PR firm then turned around and paid $240,000 in a sub-contract to newspaper columnist and TV commentator Armstrong Williams to promote The No Child Left Behind Act.

Specifically, under the contract, Armstrong Williams was paid to ''regularly comment on NCLB during the course of his broadcasts,'' to ''encourage the producers'' of a cable TV program to ''periodically address'' the NCLB law, and it specified that the Secretary of Education and other education officials would have the right to appear from ''time to time'' as guests on Williams' TV programs.

Shortly after learning about this situation, President Bush criticized the Education Departments $240,000 payout to Armstrong Williams and ordered his cabinet secretaries not to hire columnists or commentators to promote administration policies.

Specifically, President Bush stated: ''All our cabinet secretaries must realize that we will not be paying commentators to advance our agenda. Our agenda ought to be able to stand on its own two feet. We need to make sure this kind of thing doesn't happen again.''

I agree with President Bush.

This is not a Republican or Democrat issue. It's a common sense issue. For example, while the Armstrong Williams matter happened during the Bush administration's watch, similar problems happened during the Clinton administration.

For example, the GAO noted that the Clinton administration's Health and Human Services department used actors in October of 1999 to portray reporters in fake news segments that were distributed to TV stations, without disclosing that the government had actually funded and produced the supposed news segments.

Mr. Chairman, it is dead wrong to use taxpayer dollars to pay private contractors, such as public relations firms, journalists and media commentators, to promote legislation pending before this Congress, and for that reason, I wholeheartedly thank my colleagues on both sides of the aisle for voting ''yes'' on my amendment.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Labor-HHS-Education appropriations bill today. This bill grossly underfunds key domestic priorities in education, health, human services, job training, public broadcasting, and the list goes on and on.

Appropriations bills typically include at least a slight increase in spending from the following year to make up for inflation, if nothing else. Instead, this bill actually cuts spending below last year's level by $1.6 billion. The cuts are so plentiful that it is hard to put together a concise statement highlighting my rationale for voting no.

President Bush and the Republicans in Congress proudly proclaimed their support for improving our Nation's education system when they passed the bipartisan No Child Left Behind law. Ever since that time, they've been avoiding putting the dollars behind that commitment. Today's bill is another example of this retreat.

The bill before us underfunds No Child Left Behind by $13.2 billion. It also goes on to freeze funding for after-school programs even though only 38 percent of eligible programs can obtain funding at these levels. It also shortchanges special education for 6.9 million children by failing to meet our government's commitment to IDEA. Head Start, a program well-documented in its effectiveness, fails to obtain the resources necessary for it to give a step up for millions of eligible children.

The bill is no better when it comes to important health care priorities. President Bush has gone out of his way to emphasize his commitment to ending AIDS around the globe. But, when it comes time to turn that sound bite into reality, he and his party turn their backs. This bill eliminates funding to the Global Fund to Fight HIV/AIDS and freezes almost all funds in the Ryan White AIDS programs which provide services to people suffering from HIV and AIDS here at home. At the same time the bill wastes $115 million on unproven abstinence only education programs.

This bill eliminates funding for HHS health professions training programs, slashes funding for public health efforts to increase preventive care, eliminates the Healthy Families Communities Access Program aimed at helping local advocates and governments develop solutions to cover the uninsured, and provides the smallest increase in 36 years for the NIH.

On the human services front, this bill fails to provide needed funds for child care. For the 4th year in a row, it freezes federal funding for the Child Care Block Grant even though millions of low-income families cannot afford adequate, safe child care for their children. It also cuts vital funding for low-income home energy assistance. And, it slashes funding for the Community Services Block Grant which provides funds to local communities to help them provide basic services to low-income families.

The provision in this bill that has received the most public attention is the provision to gut $100 million in funding for public education. I'm pleased that we passed an amendment on the House floor to eliminate that cut. So, we've protected PBS, NPR and other public broadcasting initiatives for now. But, make no mistake about it, the Republicans want to go much further than reducing funding. Much like they're working to privatize Medicare and Social Security, they would happily turn our airwaves—which are public space—over to the private sector as well.

These are a sampling of the many reasons I oppose the bill before us today. I urge my colleagues to join with me in voting ''no'' on the wrongheaded priorities of the Republican majority. Health, education and human services are core responsibilities of our Federal Government. This bill fails on all fronts.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise in opposition to this bill.

Let me begin by thanking Chairman REGULA, Ranking Member OBEY and their staff for their hard work in bringing this bill to the House floor.

Although the Committee has done its best, it is shameful the Committee had a limited amount of money to fund America's highest domestic priorities. This Republican led Congress and the Administration has put the $140,000 tax cuts for people who make $1 million or more a year; and spending $250 billion fighting the war in Iraq and Afghanistan ahead of the need to invest in our children, our education system, our health care system, and job training programs that will help American families.

This bill does fund many of the programs that the Administration wanted to cut or eliminate programs such as TRIO, GEAR UP, Vocational Education State Grants and Adult Education programs.

However, the bill before us today sorely underfunds or eliminates too many programs. The bill zeroes out 48 programs. The list is enclosed. Also, the bill provides the smallest increase for the National Institutes of Health in 36 years.

This bill cuts $806 million from No Child Left Behind.

This bill provides only a $50 increase in Pell grants, despite hundreds of dollars of increases in college tuitions and costs.

This bill cuts the Employment Service program by $116 million. The Employment Service program helps the unemployed with finding jobs and with 7.6 million Americans out of work this program is critical.

Quality pre-natal care and health services for low-income mothers and infants should be a priority but this bill cuts the Maternal and Child Health Block Grant program by $24 million and the Healthy Start program targeted to communities with high infant mortality by $5 million.

The Low-Income Energy Assistance Program that helps families pay heating bills is cut by $198 million at a time when gas prices are at their highest.

The Safe and Drug Free Schools program to keep school aged children off drugs and alcohol is cut by $37 million, which will devastate many families and communities.

Preventative Health Block Grants to state health departments are cut by $31 million.

The bill slashes the Education Technology Program by $196 million.

The Community College Initiative is cut in half by $125 million.

It freezes after-school centers for the fourth year in a row.

Mr. Chairman, this bill eliminates 48 programs, including the elimination of $100 million Department of Health and Human Services' contribution to the Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis.

It eliminates comprehensive school grants for 1,000 high-poverty school districts by eliminating the program.

This bill eliminates 10 out of the 12 Title VII health profession training programs. These programs help ease the shortage of doctors, dentists, and other health professionals in underserved areas.

This bill eliminates the Health Communities Access Program that helps health centers and public hospitals better serve the uninsured.

Mr. Chairman, HR 3010 does not invest in our future, our families, or our country. The needs and values of Americans are not addressed. This bill shortchanges the American

people. The Appropriations Committee had to make tough choices because of the strict budget allocations brought on by the misguided and irresponsible tax cuts for the richest of Americans and the cost of the war, but programs that help millions of Americans should not be on the chopping block.

Congress is walking away from our commitment to equal opportunity and a better quality of life for all Americans. Greater access to job training, better jobs, affordable healthcare, quality education, and closing the disparity gap should be our goal.

The Labor, Health & Human Services, and Education bill falls far short of achieving these goals and strengthening American families.

FY 2006 LABOR-HHS-EDUCATION APPROPRIATIONS BILL PROGRAM TERMINATIONS

	FY 2005 Comparable	FY 2006 Committee
Department of Labor		
Responsible Reintegration of Youth	49,600,000	0
Denali Commission	6,944,000	0
Subtotal, Department of Labor	56,544,000	0
Department of Health and Human Services		
Healthy Communities Access Program (HCAP)	82,993,000	0
Health Professions Diversity: Faculty Loan Repayments & Fellowships	1,302,000	0
Health Careers Opportunity Program (HCOP)	35,647,000	0
Training in Primary Care Medicine and Dentistry	88,816,000	0
Area Health Education Centers	28,971,000	0
Health Education and Training Centers	3,819,000	0
Geriatric Health Professions Training Programs	31,548,000	0
Quentin N. Burdick Program for Rural Interdisciplinary Training	6,076,000	0
Allied Health and Other Disciplines Training	11,753,000	0
Public Health, Preventive Medicine and Dental Public Health Training	9,097,000	0
Health Administration Training Programs	1,070,000	0
Health Professions Workforce Information & Analysis	716,000	0
Sickle Cell Demonstration Program	198,000	0
Rural Health Research & Policy Development	8,825,000	0
Rural Emergency Medical Services Training	496,000	0
State Planning Grants for Health Care Access	10,910,000	0
Trauma Care/Emergency Medical Services	3,419,000	0
Denali Commission	39,680,000	0
NIH Extramural Research Facilities Grants	29,760,000	0
Community Food and Nutrition	7,180,000	0
National Youth Sports Program	17,856,000	0
Early Learning Opportunities Program	35,712,000	0
Subtotal, Department of Health and Human Services	455,844,000	0
Department of Education		
Comprehensive school reform*	205,344,000	0
Parental information and resource centers	41,886,000	0
Byrd scholarships	40,672,000	0
Arts in education	35,633,000	0
Alcohol abuse reduction	32,736,000	0
Ready to Learn	23,312,000	0
State grants for incarcerated youth offenders	21,824,000	0
Star schools	20,832,000	0
Foreign language assistance	17,856,000	0
Ready to teach	14,291,000	0
Javits gifted and talented education	11,022,000	0
Occupational and employment information	9,307,000	0
Exchanges with historic whaling and trading partners	8,630,000	0
Demonstration projects for students with disabilities	6,944,000	0
Community technology centers	4,960,000	0
Literacy programs for prisoners	4,960,000	0
Mental health integration in schools	4,960,000	0
Dropout prevention program	4,930,000	0
Tech-prep demonstration	4,900,000	0
Thurgood Marshall legal opportunity program	2,976,000	0
Women's educational equity	2,956,000	0
Underground railroad program	2,204,000	0
Excellence in economic education	1,488,000	0
Interest subsidy grants	1,488,000	0
Subtotal, Department of Education	526,111,000	0
Total—48 Programs	1,038,499,000	0

*The Committee bill includes $10 million to close out national activities and evaluations.

Mr. MARKEY. Mr. Chairman, I rise today to oppose the massive cuts to the Title VII health professions training programs which play a critical role in addressing the shortage of doctors, nurses, dentists and other health professionals in underserved areas and have proven to increase the diversity of the health care workforce.

The Republicans' fiscal year 2006 budget gives away $106 billion in tax cuts to the wealthiest in our society. Now, in order to pay for those cuts, they are making huge cuts to critical programs for the poor and the most vulnerable in our country. The Title VII health professions training programs are some of the many casualties of these tax giveaways.

In order to pay for tax cuts to the wealthy, this bill slashes funding for the Title VII programs by 84 percent, cutting the programs from $300 million to $47 million. These Title VII programs promote access to quality health care to for our nation's neediest citizens and they are only federal programs designed help prepare health professionals to respond to the needs of these special and underserved populations.

These programs are a vital component of the health education system in our country and are necessary to maintain the high quality health care that we expect. These cuts will have a dramatic impact on the system at a time when essential health care services are already facing funding cuts and program eliminations.

I urge you to oppose these cuts and I am hopeful that the Committee will work to increase funding for these programs in Conference.

Mr. BROWN of Ohio. Mr. Chairman, many Americans seeking disability benefits under the Social Security Disability Insurance program, more commonly know as SSDI, face intolerable delays in the processing of their claims.

SSDI is a true insurance program. All American workers pay into the program, and any working American who becomes disabled is eligible for assistance.

The Social Security disability system has a backlog of more than a half-million cases on appeal. Social Security Commissioner Jo Anne Barnhart testified last year that, on average, it took more than 3 years to complete processing of a disability claim on appeal, from the day it's filed to the day it's finally adjudicated.

These delays come with a high cost for the men and women forced to wait. For some, it means exhausting their life savings. Others lose their health insurance coverage, the family car, and even their homes. And as once-proud workers unable to pay their bills are reduced to borrowing from friends and family, some Americans lose even their dignity.

These delays have hit home in my Ohio district. One constituent, Bobbi from Sheffield, Ohio—a single mom injured in an auto accident in 2001—exhausted her life savings and was forced onto welfare while she waited. She finally received the support she had earned just last month, after waiting 4 years.

Another constituent, Ronald from Elyria, Ohio has a heart condition that left him disabled in 2001, but he had to wait 3 years for benefits.

The appropriations bill before us today offers a chance to improve the system, for these Ohioans and every American. This bill provides a badly-needed increase in administrative funding for the Social Security Administration.

A lot of these resources will go to funding administration of the new Medicare prescription drug benefit. But significant funding will be used to help SSA improve disability processing and reduce the claims backlog—with new technology and staffing.

I support the SSA administrative funding provision in this bill. But we can do better. The bill falls more than $100 million short of President Bush's request for Social Security administrative funding. Advocates for disabled Americans agree with the President that SSA needs every dollar of the President's request to attack the disability backlog.

I urge my colleagues to join me in supporting the SSA administrative funding level in this bill.

But I urge you then to work with me as this bill advances, to seek full funding of President Bush's SSA administrative budget request.

There has been a lot of talk lately about the future of Social Security. But our first obligation should be to make Social Security work as well as it can right now.

Mr. NUSSLE. Mr. Chairman, today we are considering the largest—and arguably most complex—of the domestic appropriations bills—the measure for Labor, Health and Human Services, and Education, H.R. 3010. I am pleased to say, as it addresses many of Congress's most sensitive domestic priorities, it also meets our fiscal responsibilities: it complies with the Budget Act, with our agreed spending levels, and with specific provisions of the budget resolution for fiscal year 2006.

THE BUDGET RESOLUTION

H.R. 3010 provides $142.5 billion in discretionary budget authority and $143.7 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This level represents a slight reduction from 2005: $329 million in budget authority. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs, which provided the overall policy framework for this year's budget resolution. The $329-million reduction from 2005—which is just two-tenths of 1 percent—may feel more like $1 billion to the agencies funded by the bill. That is because the Appropriations Committee, in response to a White House request, included about $890 million for the 2003 Medicare prescription drug law's startup costs. Other programs in this bill had to make up the difference.

But such trade-offs are intrinsic to budgeting. As a result, as noted, the bill complies with the FY 2006 Budget Resolution. Its spending levels are within the subcommittee's 302(b) suballocation of new budget authority. To meet the cap, the bill includes a few rescissions. The bill does not contain emergency funds. It complies with the budget resolution provisions on advance appropriations.

Regarding this last point, the FY 2006 Budget Resolution places a total limit for advance appropriations in FY 2006 at $23.158 billion. The bill before us today will consume most of those funds, by providing $18.885 billion in advance appropriations for FY 2007. All of the accounts for which advances are made in the bill are listed as eligible within the budget resolution. Because no advance appropriations have yet been enacted this year, the bill does not cause a breach of this limit. Still, the House should be aware only $4.273 billion will remain available for advance appropriations.

PROGRAMMATIC PROVISIONS

Under this bill, Education would enjoy a slight ($120 million) increase, to $56.7 billion—which is $478 million over the President's request. In addition to that figure, the bill includes $4.3 billion to make up the Pell Grant backlog. This amount does no count against budget limits because it is scored as mandatory.

Additionally, the bill continues the commitment the House has made to the National Institutes of Health, providing $230 million more than last year. This brings total NIH funding to $28.5 billion. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be able to find good jobs. Dislocated Worker Assistance is funded at $1.4 billion, $62 million above the request.

CONCLUSION

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs Members care about while living within our means in an era requiring tougher fiscal discipline. This is a responsible bill that fulfills our commitments to the public while living within the constraints of difficult fiscal times.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in opposition to the proposed cuts of more than $100 million to the Corporation for Public Broadcasting. This organization funds over 1,000 public television and radio stations nationwide, and the funding from Congress is essential to its functioning. CPB also funds producers, educators and technology specialists for the development of new public television and radio programming and new media. The CPB supports educational programs, as well as, provides education resources for parents and teachers.

I support the mission of the Corporation for Public Broadcasting in its goal of providing the public with education and informative media sources. In a time when much furor exists over the decency of much of what is broadcast on our televisions and radios, it is only logical that Congress support an organization that has held traditional values to a high standard which is reflected in its programming. Children's programs such as Sesame Street and Arthur, programs which undoubtedly educate our children and instill them with positive values, will lose the necessary funding that keeps them on television. This is simply unacceptable.

When CPB comes to the Hill, it is clear that children of lawmakers from both sides of the aisle watch public television. Children from both parties laugh at Elmo and get their picture taken with Cookie Monster. Like my colleagues, my office has also received hundreds of phone calls urging Congress to restore funds for public broadcasting. Our constituents do not support these cuts which represent 25 percent of CPB's overall funding. I urge my fellow members to oppose the proposed cuts to the Corporation for Public Broadcasting.

Mr. ENGEL. Mr. Chairman, I rise today to urge that full funding for Title VII health professions programs be restored in the FY 2006 Labor-HHS Bill. The elimination of funding for valuable programs such as the Area Health Education Center (AHEC) and the Health Education and Training Center (HETC) would have an immediate, damaging impact on medical education, care, and research, especially in the State of New York.

Title VII authorizes grants for important programs designed to address problems such as recruitment and retention of providers for health centers, shortages in nursing and allied health, and the under-representation of minorities in the health care professions. These healthcare training programs are the only federal programs designed to increase the supply of primary medical care providers and public health professionals in underserved areas, such as inner cities and rural regions throughout the country. In addition, these programs seek to train more health professionals in fields experiencing shortages, improve the geographic distribution of health care personnel, and enhance minority representation in the pool of practicing health professionals.

New York has benefited greatly from Title VII health professions programs. In FY 2005, New York institutions received over $20 million in Title VII programs. However, continual annual budget cuts pose a great risk to health care in the state of New York. Without federal funding, the AHEC system will be greatly hindered in its ability to address the problems of access to health care, diversity of the health care workforce, and recruitment and retention of health care professionals in medically underserved areas. For these reasons I support the restoration of funding for Title VII health professions programs through the FY 2006 Labor-HHS Appropriations bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, due to a family medical emergency, I am departing Washington, DC, at 10:30 a.m. on Friday, June 24th.

As a result, I will miss votes on the amendments to and final passage on H.R. 3010, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act for Fiscal Year 2006. Upon my return to Washington, I will submit a statement indicating how I would have voted had I been present.

Ms. HOOLEY. Mr. Chairman, I am pleased that elements of the amendment I had intended to offer were incorporated into the en bloc amendment offered by Chairman REGULA.

As our troops return home from active duty service, a growing number of them are unable to return to the jobs they left behind. In the transition back to civilian life, they are encountering problems ranging from difficulties finding employment to being passed over for promotions to getting laid off under suspicious circumstances.

The Veterans Employment and Training Service (VETS) provides these veterans with the resources and services they need to make the transition from military to civilian life. VETS provides veterans with valuable training and job placement services as well as protecting the employment and reemployment rights of veterans, Reservists and National Guard Members.

With the influx of returning soldiers, the Veterans Employment and Training Service

needs additional resources to meet the growing demands of our veterans. More and more veterans will be looking for employment, which means increased demands for both job training and placement services as well as assistance with any discrimination claims.

This amendment will address these issues by providing $5 million to the Veterans Employment and Training Service so they have the money they need to meet the needs of our returning troops.

Of this funding, $3 million will go to the Veterans Workforce Investment Program which provides employment services to recently separated and service-connected disabled veterans. This program is currently funded at $7.5 million, a $1 million cut from last year. At a time when more and more soldiers are returning home and looking for jobs, we need to be providing more funding for this vital initiative, not less.

It also includes $500,000 for the National Veterans Training Institute, which conducts specialized training for veterans' employment and training service providers.

The remaining $1.5 million would be used to educate both service members and employers about the employment rights of veterans, including their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA), which prohibits workforce discrimination based on military service.

America has a responsibility to those who risked their lives to secure our freedom. Particularly today, as more soldiers come home from the battlefields of Iraq and Afghanistan, we must make every effort to help veterans reintegrate into civilian life, and that means helping America's veterans get back to work.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. PUTNAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 337, the previous question is ordered.

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the minimum time for electronic voting on any motion to recommit may be 5 minutes, notwithstanding that it would be the first vote in a series.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. Mr. Speaker, reserving the right to object, we cannot hear.

Mr. Speaker, I withdraw my objection, and I support the gentleman's motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 3010, to the Committee on Appropriations.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the motion be debatable and that debate be limited to 2 minutes, equally divided between the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY) for 1 minute on the motion to recommit.

Mr. OBEY. Mr. Speaker, this is a simple, straight motion to recommit so that the committee can repair the shortcomings in the education, health care and worker protection programs in the bill, and so that the committee can respond to the announcement of the Veterans Administration yesterday by adding a billion dollars to veterans health care programs.

I urge an ''aye'' vote on the motion to recommit. I will be voting against final passage, and I would hope a good many others will, too.

Mr. REGULA. Mr. Speaker, I claim the time in opposition to the motion to recommit.

Mr. Speaker, I urge a ''nay'' vote on the motion to recommit. I think this bill is fair, balanced, and good given the amount of money that is available. We do a lot of important things in education, health research, and in the Department of Labor. I urge all my colleagues to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the motion to recommit offered by Ranking Member OBEY to increase funding for priority education, health care, human services and job training programs by $11.8 billion. In terms of education programs, the bill eliminates 24 education programs funded at $526 million in 2005. The largest of the terminated programs is Comprehensive School Reform. The bill also eliminates drop out prevention activities, parent assistance centers, arts education, K–12 foreign language instruction, Ready to Learn, Ready to Teach, and community technology centers.

In addition, the bill cuts No Child Left Behind below the current level. Specifically, H.R. 3010 cuts the program by $806 million (3.3 percent). Next year, school districts must achieve increasingly rigorous NCLB academic standards, administer annual reading and math tests to 3rd through 8th graders, and meet new standards for highly-qualified teachers. Despite these facts, funding for the program will fall $13.2 billion below its FY06 authorization and cumulative shortfall since enactment of the program will exceed $40 billion under the bill.

As it relates to health care issue, the bill continues to make cuts across the board which either eliminates important programs or at least cuts there funding in half. For example, the bill cuts rural health outreach grants from $39 million in FY05 to $11 million in FY06. These grants support rural hospitals, clinics, health departments and other providers to help improve primary health cares services in rural areas (including dental care, mental health treatment, and hospice care).

H.R. 3010 also supports fewer healthy start grants. Specifically, the bill produces a $5 million (5 percent) cut in the Healthy Start initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates. This funding level will allow renewal or replacement of only about half the 12 Healthy Start grants up for re-competition in FY06.

I would also like to take a moment to express my concerns with some of the many funding cuts for Title VII programs in this year's appropriations bill. While I am pleased to see that funding was provided for Minority Centers of Excellence ($12 million) and Scholarships for Disadvantage Students ($35 million), I am disappointed that Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs were all zeroed out. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations.

In regards to job training, H.R. 3010 makes cuts to training, employment and unemployment services. Although the economy has not fully recovered from the last recession, and 7.6 million Americans unemployed in May 2005, the bill cuts $346 million (3.6 percent) from critical services to unemployed, displaced and incumbent workers.

In light of the above stated cuts, I strongly support the amendment by Mr. OBEY. Again, his amendment would increase funding for priority education, health care, human services and job training programs by $11.8 billion. These are very important programs and we must provide funding for them. I encourage my colleagues to support the Chairman's amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the order of the House today, this will be a 5-minute vote, and pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 216, not voting 32, as follows:

[Roll No. 320]

AYES—185

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1629

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 151, not voting 32, as follows:

[Roll No. 321]

YEAS—250

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matsui
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield

Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—151

Ackerman
Allen
Baird
Baldwin
Barrow
Berkley
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Gibbons
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Hefley
Herseth
Hinchey
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Ramstad
Rangel
Ross
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

□ 1637

Mr. McINTYRE changed his vote from ''yea'' to ''nay.''

Mr. MEEHAN and Mr. WYNN changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, because I attended a BRAC Commission hearing in New Mexico, I missed the vote on final passage of the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2006, H.R. 3010 (rollcall vote No. 321). If I had been there, I would have voted no on final passage.

Additionally, if I had been in attendance, I would have voted in favor of the Obey Amendment to restore funding for the Corporation for Public Broadcasting (rollcall vote No. 305).

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C, 227) relating to the prohibition on junk fax transmissions.

S. 1181. An act to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

The message also announced that pursuant to Public Law 108–136, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Veterans' Disability Benefits Commission.

Mr. Ken Jordan, of California, vice Mr. Mike O'Callaghan of Nevada.

REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–152) on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 3058, DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–153) on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPUBLICANS DEFEAT DEMOCRATS IN ANNUAL CONGRESSIONAL BASEBALL GAME

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I so want to object to what happened last night and he is going to talk about it, but I know that comity demands that I do not object.

I yield to my friend from Ohio.

Mr. OXLEY. I thank the gentleman for yielding. What gave it away?

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. OXLEY) is recognized for 1 minute.

There was no objection.

Mr. OXLEY. Mr. Speaker, this is, of course, what they call the bragging rights, the day after the annual congressional baseball game.

Mr. Speaker, last evening at historic Robert F. Kennedy Stadium, the Republican baseball team defeated the Democrats by a score of 19–10. We most appreciate everybody's participation. Mr. Speaker, this was the largest crowd in the history of this vaunted contest that goes back, in the modern era, some 45 years. We had almost 6,000 spectators. The winners in this contest were not the Republicans, really, but the charities that were involved that will benefit greatly. We raised about $125,000 for the Boys and Girls Club of Washington and the Adult Literacy Council.

I want to thank all of the players who participated, particularly Kevin Brady, the second baseman for the Republican squad, who was voted our MVP. Kevin has had a checkered career recently. The last two seasons before this, he did not last through the first inning because of injuries. This year he played the entire game and had a couple of hits and played well in the field and was voted our MVP.

Our congratulations also go to Jay Inslee from the Evergreen State who played magnificently at third base for the Democrats and was awarded the MVP award by the manager of the Democratic team, my good friend, Martin Sabo, a great sportsman and a real leader.

We enjoyed the game immensely. I want to publicly thank the gentleman from Maryland for hosting us for so many years up in Bowie; but we had an opportunity, as he knows, to move to the major league ballpark, and to play in a major league ballpark, I think I speak for all of our players, was like getting our youth back, at least for 2 or 3 hours out there in that contest.

I want to thank all of the sponsors and all of the people who purchased tickets for this event. It was truly a great historic event on the Hill and one that we look forward to participating in next year.

I will be glad to yield to my friend from Maryland.

Mr. HOYER. I thank my friend for yielding.