Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kline
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rohrabacher
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
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn

NOES—171

Aderholt
Alexander
Bachus
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Feeney
Flake
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hyde
Inglis (SC)
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Carnahan
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Harman
Hastings (FL)
Strickland
Sweeney

□ 1207

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 54 on the Taylor amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FRANKS of Arizona. Mr. Speaker, I regret that I was unable to be present for rollcall votes No. 50, 51, 52, 53, and 54. Had I been present, I would have voted "aye" on the amendment offered by Ms. FOXX (rollcall vote No. 50), "no" on the amendment offered by Mr. MELANCON (rollcall vote No. 51), "no" on both amendments offered by Mr. JEFFERSON (rollcall votes Nos. 52 and 53) and "no" on the amendment offered by Mr. TAYLOR (rollcall vote No. 54).

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. CHOCOLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4939, pursuant to House Resolution 725, the Chairman of the Committee of the Whole may reduce to 2 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series shall be 15 minutes.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 47. Joint resolution increasing the statutory limit on the public debt.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4939 and that I may include tabular material on the same.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 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. 4939.

□ 1210

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. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. CHOCOLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) had been disposed of and the bill had been read through page 76, line 20.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. 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. HALL:

At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. In order to provide child care subsidies to the children of parents who are working or enrolled in workforce activities, in a manner that does not put the child care needs of temporary residents ahead of families already on waiting lists for services funded by the Child Care and Development Fund, in any redistribution of unobligated Federal matching funds as authorized by section 418 of the Social Security Act, the Secretary of Health and Human Services shall

give priority to States currently serving a significant number of children in families adversely affected by Hurricane Katrina.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL. Mr. Chairman, this amendment to title II would direct the Secretary of Health and Human Services to give priority to States affected by Hurricane Katrina when redistributing unobligated Federal matching funds.

Texas is serving 6,000 children of Katrina evacuees with child care, despite a waiting list of 34,000 Texas children for child care services.

Failure to pass this amendment will put Texas in the position where its only option for continuing to serve the children of Katrina evacuees is with funds meant for Texas children. The Katrina kids would either be cut off or be allowed to cut the line in front of Texas kids who have been waiting up to 2 years to receive child care.

This Congress authorized $200 million in additional child care development funds for fiscal year 2006. Because these funds were made available in the middle of the fiscal year, not all States will be able to identify the necessary matching funds.

What I am asking is that any balances in the CCDF Federal matching funds be made available to the States whose child care caseloads have increased because of these hurricanes.

Members, this issue is but one example of the problematic Federal response to the hurricanes that struck the gulf coast last fall. Shortly after Hurricane Katrina struck, Texas was given a $75 million national emergency grant to provide employment and training services to victims of that storm who had taken up residence in our State.

When Hurricane Rita hit Texas 1 month later, rather than receiving an additional NEG grant to take care of our own people, we were told to not only use that same $75 million to serve the victims of both storms, but to provide our own citizens a more limited range of services than the Katrina evacuees.

This Congress eventually stepped in to allow parity of services, which we appreciate. Texas has enrolled more than 35,000 hurricane victims in NEG training programs and employment, but that money is projected to run out in July, and all of Texas's supplemental requests have been denied because the Department of Labor has run out of NEG funds.

The problem Texas faces goes beyond child care. Many of the Katrina evacuees who remain in Texas are potentially eligible for TANF and/or food stamps, both of which have education and training components associated.

This has put a tremendous strain on our resources for both programs. Congress previously allowed Texas to tap TANF funds to provide short-term nonrecurring benefits to Katrina evacuees, but Texas and other States also need to be allowed to use Federal TANF contingency funds to provide outgoing employment and training services so that we can continue to move these recipients into meaningful employment.

Mr. Chairman, we also need for unspent funds in these areas to be reallocated to where the demand for these services is greatest. Unless Texas receives additional resources, Texas cannot continue the specialized workforce and support services to hurricane victims unless it diverts funds that were intended and balanced to serve its own citizens.

When Hurricane Katrina struck, Texans immediately stepped forward and mounted an unprecedented effort, involving both the public and private sector. Texas taxpayers have been left actually holding the bag to the tune of nearly $2 billion. What kind of message does that send to other States who may find themselves adjacent to the natural disaster, or to the States who, God forbid, may be the victims of that disaster.

I find it hard to believe that the level of compassion extended to these victims will be the same when they know that the Federal Government's commitments are not good when they know that most of what they provide for the refugees will take away from their local resources and the services they are supposed to provide for their own people.

Mr. Chairman, I move adoption of this amendment, and I yield back the balance of my time.

Mr. GENE GREEN of Texas, Mr. Chairman, I rise to support this amendment because it would help thousands of children in the State of Texas.

This amendment directs the Secretary of Health and Human Services to give priority to states affected by Hurricane Katrina when redistributing unobligated federal matching funds from the Child Care Development Fund.

Texas is now serving 6,000 children of Katrina evacuees with childcare services. There are currently 34,000 Texas children on a wait list for child. care' services.

Texas will soon be in a position where our only option will be to serve the children of evacuees at the expense of children in Texas.

Congress authorized $200 million in additional Child Care Development Funds for FY 06. However, these funds were made available in the middle of the fiscal year making it difficult for some states to determine the necessary matching funds for this program.

This amendment asks that any balances in Child Care Development Funds be made available to states where child care caseloads have increased due to the hurricanes.

I urge my colleagues to support this amendment.

□ 1215

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, 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.'' And this amendment gives it affirmative direction, in effect.

I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. CHOCOLA). Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. 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. 9 OFFERED BY MR. PAUL

Mr. PAUL. 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. 9 offered by Mr. PAUL:

Page 76, after line 20, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. (a) For recovery of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $546,100,000, to remain available until expended, to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas, as follows:

(1) $200,000,000, for housing assistance under programs of the Departments of Housing and Urban Development and Agriculture for residents of the State of Texas and for residents of other States affected by the hurricanes who are temporarily residing in Texas and for community development block grant assistance under title I of the Housing and Community Development Act of 1974.

(2) $100,000,000, for costs of uncompensated health care for victims of the hurricanes and evacuees, for long-term care costs of evacuees remaining in Texas, and for mental health care costs of persons affected by the hurricanes.

(3) $100,000,000, for reimbursement of costs associated with providing educational services to students who are in Texas as a result of Hurricane Katrina and for repairs to public and higher education facilities damaged by Hurricane Rita.

(4) $46,000,000, for costs of repairs to bridges, roadways, ports, and channels damaged by Hurricane Rita.

(5) $59,000,000, for the Corps of Engineers for maintenance costs relating to erosion, waterway dredging, and other related services.

(6) $50,000,000 for costs of debris removal that are not reimbursable by the Federal Emergency Management Agency, for assistance to agricultural areas affected by Hurricane Rita (including timber- and rice-producing areas), and for costs of other unreimbursed repairs to rural and agricultural infrastructure resulting from Hurricane Rita.

(b) The amounts otherwise provided in title I for the following accounts are hereby reduced by the following amounts:

(1) ''DEPARTMENT OF DEFENSE—OPERATION AND MAINTENANCE—OPERATION AND MAINTENANCE, DEFENSE-WIDE'', amounts under paragraph (3) for payments to reimburse certain countries for logistical, military, and other support provided or to be provided, to United States military operations, by $900,000,000.

(2) ''BILATERAL ECONOMIC ASSISTANCE—DEPARTMENT OF STATE—DEMOCRACY FUND'', by $10,000,000.

(3) ''MILITARY ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—PEACEKEEPING OPERATIONS'', by $100,000,000.

(4) ''RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—INTERNATIONAL BROADCASTING OPERATIONS'', by $7,600,000.

(5) ''RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—BROADCASTING CAPITAL IMPROVEMENTS'', by $28,500,000.

(c) The Secretary of the Treasury shall consider the $500,000,000 by which the aggregate amount of reductions under subsection (b) exceed the aggregate amount made available under subsection (a) as credit against the Federal deficit for fiscal year 2006.

(d) The amount provided under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Wednesday March 15, 2006, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

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

Mr. PAUL. Mr. Chairman, my amendment is offered in an attempt to save some money. If my amendment were to pass, we would cut $500 million from this appropriation. Everybody knows that this is a huge appropriations bill and that it is a supplemental. It does not fall under the category of the budget rules. It is $92 billion. It involves the finances of our military approach to our foreign policy around the world, which is two-thirds of this funding. The other third, 19 or $20 billion is for domestic use. It is a huge sum of money. And we are doing this at a time when we are running a deficit, our national debt at least is going up over $600 billion a year, and we are concerned this week about raising the national debt limit to over $9 trillion.

It is unfortunate that's the way the system works around here. It is very difficult to cut anything. My amendment is an attempt to seriously consider the problems that we have in reining in the spending and living within our means.

The major point I make here is by cutting $1 billion from the military portion of the bill it makes the point that we spend way too much on military operations. We spend more on military operations around the world than all the other countries of the world put together. And we do not have a lot to show for it. When you think about what has happened in Afghanistan, the problems there, what is happening in Iraq and the potential problems that are coming in Iran; yet the money is continuing to be spent in this reckless manner.

So I propose we cut a billion dollars out of that which would be easily done, because it should be cut a lot more. I would then take $500 million of this and I would put it into some areas of the country that have been neglected from some of the hurricane damage that has existed in the south, in particular, in Texas.

So to me, this is an approach to emphasize the importance of foreign policy, that this notion that we are in the business of nation-building, and that we are the policemen of the world, and that we should reconsider that and save money. At the same time, we could reduce our deficit while actually increasing funding for some of the serious problems that we have in this country. So to me, it sounds rather logical to do this. To cut things from, say, building roads in Liberia. Yes, Liberia needs money, but what about the people that have been hit by the hurricanes? They need some money, too. And the way we do it always involves deficit financing.

My approach emphasizes the need to cut in the places less important than any other places, spend the money here at home, and end up actually cutting back on the deficit financing. Otherwise we are going to continue with this process. I see no serious attempt whatsoever, when we bring up supplemental appropriations bills like this, to rein in the spending and even to pretend that we are cutting. This whole idea of putting domestic spending together with military spending is not a ploy to maybe reduce spending. It is the ploy to make sure that people are trapped into voting for both and nobody can vote against the domestic spending, and nobody can vote against the military spending. And yet, of course, spending is excessive in both areas.

But my amendment, the way it works, emphasizes mostly cutting the militarism and the type of foreign policy that we finance around the world that has so many ramifications and unintended consequences and so much blow-back, that it literally hurts our national defense and ends up costing us so much more money.

Long term, to come up with a solution, it will not occur with tinkering with the budget. It will not happen today, nor tomorrow. The only way that we can make any sense out of our spending in this country and on this floor will be to reassess our policies. We must ask: Do we want to continue to be the policemen of the world? Do we really believe we can nation-build around the world and that we can spread democracy by force? The result is then, if we do not like the results of the democratic elections then we say, well, it did not work. We cannot support that democratically elected leader.

So it is a change in policy, at least a reconsideration of what we think we should be doing around the world. At the same time, we have to reconsider the domestic spending.

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

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, 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.''

The amendment includes an emergency designation and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for the Chair's ruling.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. 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 OFFERED BY MR. SABO

Mr. SABO. 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. SABO:

Page 56, line 11, after the dollar amount, insert the following: ''(increased by $700,000,000)''.

Page 57, line 7, after the dollar amount, insert the following: ''(increased by $125,000,000)''.

Page 58, line 8, after the dollar amount, insert the following: ''(increased by $300,000,000)''.

Page 58, line 18, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday March 15, 2006, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

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

Mr. Chairman, we hear a lot about the importance of identifying risk as we make security investments. And who could disagree? However, the President and Congress tend to stumble in putting a coherent risk-based philosophy into our budgets and policies.

I ask the Members to consider this amendment in the context of President

Bush's national security budget priorities for the coming year. The President requests $10.4 billion for missile defense next year, an increase of $1.7 billion.

By comparison, the discretionary budget request for the whole Department of Homeland Security is only $400 million above this year, almost four times as large an increase simply for missile defense versus the whole Department of Homeland Security. I have a hard time seeing how the risk of an intercontinental ballistic nuclear missile attack is greater than the risk of a nuclear weapon in a cargo container coming into our country by ship. Therefore, this emergency bill is the time to address our most critical port security gaps.

I understand the Senate Budget Committee chairman also believes that critical security gaps should be addressed in this bill. Protecting our seaports is a lot like protecting our airports. We need multiple security layers. With international traffic, the first security check should be overseas.

The container security in this initiative, by which containers judged to be high risk are opened and inspected and all container manifests are reviewed, is operating today in only 43 of the 140 foreign ports that ship directly to the U.S.

Since 2002, former Customs Commissioner Robert Bonner has been talking about the value of CSI and the U.S. Chamber of Commerce has endorsed it. However, the Bush administration and the Republican Congress have been slow to fund and implement the program. This amendment would expand CSI to all overseas ports that ship directly to the U.S. and allow U.S. custom agents to review 100 percent of all container manifests.

Some may argue that we should settle for CSI in 50 foreign ports by the end of 2007. What about the other 90 foreign ports that ship directly to us? You can be sure those who want to do us harm will know which foreign ports are covered by CSI and which foreign ports are not.

The next critical step is to improve port security inside the U.S. The Coast Guard estimates that $7 billion is needed to bring U.S. port facilities into compliance with our maritime security law and regulations.

Let me tell you where we are today. Since 9/11, Congress has provided $910 million to harden our seaports. President Bush has never requested funding directly and specifically for this purpose.

Mr. Chairman, with this amendment, we could install radiation portal monitors at every U.S. land and seaport of entry. Today, less than half of these radiation detectors have been installed. Without this amendment, the Bush administration would have Americans wait until 2011 to complete this crucial security measure.

Customs and Border Protection also need to do a better job in targeting cargo containers that should be opened, and in auditing trusted shippers. The General Accounting Office identified both of these issues, and this amendment would help us get these tasks done.

The third critical port security step is to ensure that the people charged to protect our ports are well trained, equipped, and prepared to respond to disaster.

The Coast Guard enforces port and vessel compliance with maritime security regulations. Last fall, the Coast Guard reported that its maritime security exercise revealed the need for a stronger chain of command, better guidance, and more training. The Coast Guard has also told us it has not completed its review of vessel security and has not reviewed all foreign ports that ship directly to us. This agency, which performed so well in response to Hurricane Katrina, can handle the tough jobs. Congress and the President should give the Coast Guard the right resources to do them.

Mr. Chairman, as the saying goes, practice makes perfect. We may need more simulation exercises for emergency responders at every level of government in order to identify the flaws in our preparedness plans.

Mr. Chairman, everyone knows that we have a dangerous gap in our emergency communications capability across the Nation. The bill provides a back-up communication package for the gulf coast, which includes trucks loaded with equipment that can be quickly moved into a disaster area and to bring up cell phones and public safety radio networks to help first responders in search and rescue efforts. We need this emergency communication equipment in other regions of the country as well. And this amendment would provide it.

Mr. Chairman, the American people expect us to do more than talk about inadequate port security and disaster preparedness. They demand that we back up our talk with action.

I urge Members to vote ''yes'' on this amendment.

□ 1230

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman's amendment, well-intentioned as it is, is absolute overkill. In total, this amendment would add $1.225 billion for a variety of programs in the Department of Homeland Security, which is nearly 5 percent of the annual appropriations. I may agree with him on some of the needs, but most of what he is asking for should be dealt with in regular order, not in an emergency supplemental bill.

I recognize the importance of many of the appropriations contained in the amendment, but we have already substantially increased funding, Mr. Chairman, for Customs and Border Protection, Coast Guard, and FEMA over the last 3 years.

This supplemental is about the Global War on Terror and Gulf Coast recovery, not about the regular budgets of these Departments, of these agencies, which we are dealing with right now as we appropriate for 2007.

Now, in Customs and Border Protection, in this bill already we increase funding by $17.7 million. We have aggressively supported radiation detection and cargo inspection technology, appropriating some $700 million over the last three years. An additional $400 million in this amendment, well-intended, is completely arbitrary and unneeded. There is no rationale for this number. The new Domestic Nuclear Detection Office is developing new technologies, even as I speak, and a framework for their deployment.

The gentleman also increases Customs and Border protection, international port security programs, the Container Security Initiative, and the Customs Trade Partnership Against Terrorism by $300 million. Since 2004, these programs have received, at the hands of the Congress, over $430 million. This has fully funded the Container Security Initiative which will expand in 58 foreign ports by the end of fiscal 2007. Through those 58 ports come 90 percent of the containers that come to this country and C–TPAT has expanded to 5,636 certified trade partners that send us container vessels every day.

Mr. Chairman, we simply cannot grow these programs any faster. Money is not the problem. An expansion of this program is more about obtaining diplomatic clearances than money. These countries simply will not take more of our personnel until we negotiate diplomatically with them.

As for the Coast Guard operating expenses, in this bill the Chairman of the full committee, Mr. LEWIS, has already included an additional $14.3 million. The gentleman's amendment would add another $125 million. Mr. Chairman, over the last 5 years, we have doubled funding for the Coast Guard's operating expenses, doubled, from $2.8 billion in fiscal 2001 to $5.5 billion in the current year, and while we have increased their responsibilities, they have funding in their base and in this supplemental for operating expenses sufficient to carry out their duties for the remainder of the year, including overhauling equipment, additional fuel, port security, inspections and the like. So the Coast Guard is taken care of. In fact, they have roughly half of their operating expenses for this fiscal year laying there waiting to be spent. So they do not need the extra funds.

Now then, on FEMA, we include in this bill already increases to FEMA of $70 million in the supplemental emergency bill. The gentleman would increase their funding for administrative and regional operations by $300 million, but it is unclear how that $300 million

figure is derived. The President requested $70 million for emergency communications, primarily for Louisiana, Mississippi and Alabama, although some of the funds are also targeted to Texas and Florida.

The Sabo amendment adds $300 million for ''three other locations.'' We do not know where those locations are or why it is an emergency that they be equipped, and there is a huge difference in the cost estimates. Seventy million will take care of the three principal States of Katrina, but he is asking $300 million for these three other locations. Wherever they are, I do not know, and what they need the money for we still do not know.

The $70 million that Chairman LEWIS included in the bill that is before us fully prepares the Gulf Coast for the upcoming hurricane season, putting in place the necessary communications infrastructure for warning and communicating with the public during these natural disasters. It may be appropriate to position the technology in other locations, but there is no reason to consider an expansion of this effort as part of this emergency appropriations bill. These are decisions that can and will be considered as part of the regular appropriations cycle, which we are having hearings on right now.

The gentleman seeks to add $100 million for preparedness activities at FEMA. We also increase in preparedness this bill by $10 million. The gentleman states we are not spending enough on simulation exercises; but in fiscal 2006, the National Exercise Program is funded at $52 million. That supports local, State, and national exercises.

The gentleman also seeks to restart a program called Project Impact, funded in the previous administration to simulate predisaster mitigation efforts. That program has not been funded for 5 years. Nothing is known about it, we do not know that it works, and yet we are asked to plop down another big chunk of money. Who will administer it? what will it do? and so on—we do not know.

So, Mr. Chairman, it is not a matter of more money. It is a matter of spending the money that we already have stashed away in these programs wisely, based on a sound strategy and a rationale to improve our homeland security. While the gentleman's amendment is well-intended, it is overkill.

This supplemental is focused on immediate needs, not budgetary items for next year. Many of the areas being addressed in this amendment are funded in this supplemental, not just to the arbitrary levels being proposed by the gentleman's amendment. Throwing huge sums of money at these programs is not a responsible way to conduct our Nation's business.

I urge a defeat of this amendment.

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

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the Dubai Ports World debacle, like Hurricane Katrina, laid bare preexisting problems which some of us, especially on the Democratic side of the aisle, have been struggling for years to bring to public notice.

The ports episode starkly reveals the pitfalls of the Bush administration's peremptory decision-making style, without serious deliberation or consultation. And it lays bare the dangers of 4 years of administration laxity on port security. The Sabo amendment offers us the chance to begin to remedy that neglect.

First, it would expand overseas container inspections to all overseas ports that ship to the U.S. The Container Security Initiative, responsible for reviewing manifests and opening and inspecting high-risk containers, is currently operating in only 43 of the 140 overseas ports that ship directly to this country. This amendment would expand the program to all overseas ports shipping to the U.S.

Secondly, the amendment would increase port security inspections and surveillance by the Coast Guard and would eliminate the Coast Guard's current $70 million energy shortfall.

Thirdly, the amendment would place radiation portal monitors at all ports of entry. Fewer than half of the ports of entry are equipped with those monitors now, and Homeland Security does not plan to have them all equipped until 2011. This amendment would allow each entry point to have a radiation portal monitor.

Fourth, it would increase our nationwide communications backup capability. The supplemental does contain backup capability for the gulf coast, but this capability should be provided in other critical locations; our amendment would add three such locations.

Finally, the amendment would strengthen our disaster preparedness mitigation response and recovery. It would increase the number of simulation exercises undertaken by vulnerable communities, and it would restore funding for FEMA's Project Impact.

This is a well-crafted, well-conceived amendment. I urge colleagues to support it.

Mr. SABO. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN (Mr. CHOCOLA). Both sides have 2 minutes remaining.

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

Mr. Chairman, yesterday, we cast a symbolic vote that got all kinds of political attention from the press having to do with the Dubai controversy. That vote had absolutely no effect on anything because the Dubai deal had already been killed. So the only thing we accomplished was letting Members of Congress get a nice vote that they could take home, stick in their pocket and show their constituents and say, ''Oh, what a good boy am I.''

Now we have got a chance to do something real about port security and about border security. Is there anybody in this House who thinks that our ports are really sufficiently secure so that we do not need to have more resources? Is there anybody in this House who is comfortable with the level of security on the Canadian border?

Over the past 3 years, we on this side of the aisle have tried nine times to get the majority to increase Homeland Security funding above the amount that you have had in your bills, and we have been turned down nine times.

This Congress is telling us, as this small chart shows, this Congress is telling the country we can afford to spend $64 billion this year to provide tax cuts to people who make $1 million or more a year. They are telling the country we can afford to spend more money on tax cuts for millionaires than we spend on the entire Homeland Security budget.

Now, does anybody really think that this country is in greater need of providing $64 billion in tax cuts to people who make a million bucks a year? Do we really think that we need to do that more than we need to shore up port security, border security and the like? With all due respect, I do not think that is very good judgment with respect to our priorities.

The Hart-Rudman report in 2002 concluded, that ''America's own ill-prepared response could hurt its people to a much greater extent than any single attack by terrorists,'' and Katrina revealed the truth of that statement. We witnessed the debacle in Katrina because communication systems went down, and the worst problem about Katrina is that no one could talk to anybody because all of the communication systems were put out of order.

Now, this supplemental only contains sufficient funds to provide an emergency communications backup capability in the gulf coast. That capability consists of trucks loaded with equipment that can be quickly moved into devastated areas to bring up cell phones and VHF, UHF and SHF radio networks to help first responders in their search-and-rescue efforts.

This capability ought to be provided nationwide. That is just one of the many examples that anybody who knows anything about homeland security understands. It is a serious challenge to the security of this country.

So I would submit that we can argue about the details, and if the majority does not like some of these items, you can easily fix them in conference because you have got the votes and we do not, but anybody who thinks it is more important to provide $64 billion in tax cuts to people who make a million bucks a year than it is to increase our homeland security capability, in my mind, has a faulty set of judgments, and I think they better think again.

□ 1245

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Very briefly, Mr. ROGERS is the chairman of the Homeland Security

Subcommittee, and is doing a very fine job attempting to reorganize the direction of the country in regards to homeland security. In the processing of reorganizing, we brought 22 agencies together. When you bring bureaucracies together you have difficulty starting a direction that is right the first time. Mr. ROGERS has recognized that.

There is a lot of money that has already been appropriated that is in the pipeline that can be applied to many of these priority challenges. Mr. ROGERS has done a very fine job of prioritizing and pushing this agency. There is enough money in the pipeline to give the priorities the appropriate funding.

So I would argue very strongly for a ''no'' vote on this amendment.

Mr. ROGERS of Kentucky. May I inquire of the time remaining?

The Acting CHAIRMAN (Mr. CHOCOLA). Both sides have 2 minutes remaining.

Mr. SABO. Mr. Chairman, I understand the majority has the right to close.

The Acting CHAIRMAN. The gentleman is correct.

Mr. SABO. Mr. Chairman, let me just make a few comments. First, let me be clear. I have great appreciation for the work of the chairman of our committee, Mr. ROGERS, and what he has done in this subcommittee. The work of his subcommittee has significantly improved the recommendations of the President over the last several years as relates to homeland security. The bills that have passed Congress have been significantly better than what we got from the administration.

But I also agree with him that this bill today is about the war on terrorism. And one of the most important parts in dealing with the war on terrorism is dealing with port security and the security of containers coming into this country. I disagree with those who say that who owns and how terminals are operated is irrelevant to security. Who operates them and how they operate them is very relevant, as we have dealt with in this bill in committee.

However, how we provide the other security dwarfs the importance of who and how terminals are operated. How we deal with containers coming into this country, both at our ports and our other ports of entry in this country is tremendously important. We have made some progress, but anyone who suggests that we are there in terms of port security in this country today I think is badly misinformed. We have a long ways to go, and it has been over 4 years since 9/11.

We are not simply throwing money at a problem here. These are important questions, important problems that need more resources; and, frankly, in some cases, they need more vigorous action by the administration to make sure that foreign countries cooperate with us. This is an amendment that significantly improves port security and I ask for a ''yes'' vote.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge a ''no'' vote on this amendment. First, this amendment throws money at a problem where money is not the problem. There are literally billions of dollars that we have appropriated in the pipeline for the various grant programs in the Department of Homeland Security, including grant monies for port security. In fact, the Department, in the next couple of weeks will be releasing port security applications for various ports around the country to apply for funding. Money is in the pipeline waiting to be spent.

As I have said before, the Department will be in 58 foreign ports the end of the fiscal year 2007. Ninety percent, nine out of 10 of the containers coming into the country come through those 58 ports around the world. We are there x-raying the containers, manually searching containers, classifying and targeting containers, finding those that are susceptible to suspicion and then searching them.

It is not perfect, obviously. But money is not the problem. We simply cannot send more agents into those countries than they will take, unless we can diplomatically make arrangements. But that is a job of the State Department, not DHS.

Second, this is an emergency supplemental bill. We can deal with most of the problems that the gentleman outlines in his amendment in the regular process. And in the regular process, I will probably support a number of the proposals that he is bringing forth in this emergency bill. But this is not the time or the place.

So I would urge a ''no'' vote. These dollars are emergency spending. They are not offset. And the gentleman is asking us to add another $1.225 billion of nonoffset spending. I would hope the body would recognize that, reject this amendment, and let us deal with these issues in the regular process of the 2007 bill.

I urge a ''no'' vote.

The Acting CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 12 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. 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. 12 offered by Mr. NEUGEBAUER:

At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

ELIMINATION OF FUNDING

SEC. 2901. Each amount appropriated or otherwise made available by this title is hereby reduced to $0.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, a couple of weeks ago, or several weeks ago, I think in February, the President of the United States sent over two supplemental bills, one for Katrina and one for our defense. Two bills. Because even the President recognized that these are two different issues, a $68 billion defense bill; a $20 billion Katrina bill.

Unfortunately, when this bill came to this body for consideration, it was combined, not giving Members the opportunity to determine what they think is the best policy, both from a defense standpoint and a domestic standpoint.

I am concerned about the fact that these emergency supplemental bills have really become appropriation bills, and the word ''emergency,'' I think, has somewhat slipped from that process. We should be able to come to this floor, and my bill allows Members to be able to give a vote for Katrina or a vote for our defense in an appropriate way that they feel is good for the American taxpayer.

One of the concerns I have, Mr. Chairman, is that in this 109th Congress, if we pass this bill today, with no offsets, by the way, and a previous speaker talked about there was no offsets for that amendment, in fact, there are no offsets in this bill, in the 109th Congress we will have spent as much money on emergency supplemental spending as we have spent in the previous five Congresses.

Mr. Chairman, I would say to you that I don't think that is good for the American people. What I think we ought to do, though, is have policy that does address the merits of what our efforts are in Iraq and Afghanistan and the merits of how we are spending the American taxpayers' money on Katrina relief. In fact, we have already approved in this body $100 billion worth of emergency spending in other relief for Katrina victims.

What is at issue here is the question of whether or not a lot of the issues that are in this supplemental should actually have been in this supplemental. But more importantly, it should not be allowed for piling on and adding things to these supplemental bills, which, in fact, become a free-for-all.

These are two different issues. How we spend the money defending the American people in our efforts in Iraq and Afghanistan as we execute the war on terrorism and how we deal with the catastrophic events that have happened in Katrina are two separate issues. And I would encourage my colleagues to give the American people the benefit of their wisdom and judgment and have a vote on each one of these issues.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I understand the point he is making regarding the concept of splitting bills, however, the direct result of this amendment, if it were to pass, and I hope it doesn't, would be to strip all the money out that we need to restore military facilities and veterans facilities in that region.

In fact, this bill, title II, includes $184 million to replace military facilities at bases in the gulf coast damaged by the hurricanes, such as a fire crash rescue station at Keesler Air Force Base. It also includes funds to replace the Veterans Hospital in New Orleans. Eliminating this title puts these facilities and our military personnel at greater risk.

For those reasons, Mr. Chairman, I strongly oppose the amendment.

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

The Acting CHAIRMAN. Does the gentleman reserve his time?

Mr. WALSH. I yield back.

Mr. NEUGEBAUER. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 12 minutes remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Thank you, Mr. NEUGEBAUER, I appreciate the privilege to address this issue.

And, Mr. Chairman, Katrina funding doesn't belong in this DOD emergency supplemental appropriations bill. We have had now 6 months to debate and discuss and deliberate on Katrina funding, and yet there is still not a plan. This Congress hasn't exerted its will on a plan in New Orleans, in particular, and yet here we have another wave of appropriations that has come in without an accounting of where the money has been spent.

If we continue to do this, Mr. Chairman, we will continue to see more money go down there without a solution in place. And I would submit, and I have been down there three times, that if our Federal agencies function at 100 percent of optimum possible production, and with their hearts and their heads all in the right place, we still don't have a solution for Katrina. There is not a plan.

There are appropriations that are in this. There is $100 million to restore the surrounding wetlands, yet we don't know how we are going to protect New Orleans for a category 3.1 storm or anything greater than that. We appropriated money before Christmas for the Corps of Engineers to produce a study to protect New Orleans for a cat 5 hurricane, but they have 24 months to produce the results of that study, and yet we don't know what kind of protection is going to be there for the capital that would go down in that region, some of it below sea level.

If FEMA, SBA, and the U.S. Army Corps of Engineers all do their job at 100 percent, there is still not a solution. We need to have a plan, an ordered plan, that provides for levee construction for protection of, in particular, New Orleans, at some level; whether it is a 3, a 3.5, a 4, or something above. The people that are reconstructing their homes need to know where they can put their dollars.

But this does not do it, Mr. Chairman. This is something that injects Katrina funding into DOD supplemental appropriations emergency spending. It is not emergency spending. It needs to be dealt with under the normal process of our appropriations process.

So I would conclude and ask for a ''yes'' vote on the Neugebauer amendment, and thank him for bringing it to the floor.

□ 1300

Mr. WALSH. Mr. Chairman, I ask unanimous consent to reclaim the time held in opposition to the amendment.

The Acting CHAIRMAN (Mr. BASS). Without objection, the gentleman from New York controls 14 minutes.

There was no objection.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), chairman of the Appropriations Subcommittee on Homeland Security.

Mr. ROGERS of Kentucky. Mr. Chairman, I know the motivation of the offerer of the amendment, and I sympathize with his general premise. However, I am obligated to speak against the amendment because the amendment would eliminate the money for FEMA. Under this proposal, FEMA would run out of money in May. The $9.55 billion in the bill for the operations in the Gulf Coast would be eliminated. Housing assistance would stop; debris removal would stop. There would be no emergency communications in place for the upcoming hurricane season, which is only two months away. And $13.5 million for the Inspector General would be cut, almost ensuring fraud, waste and abuse of the $35 billion in supplemental funds we have appropriated so far for the Gulf Coast.

So I would urge a ''no'' vote. Although I understand the gentleman's motivation to try to separate out the disaster funding from the military funding, that would ruin the disaster assistance for the Gulf Coast. I urge a ''no'' vote.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I want to thank Mr. NEUGEBAUER for, after a very short period of time in Congress, stepping forward in this case and in other cases with substantive legislation that reflects the conservative values that he came to Washington to represent, and does so with no small amount of courage and common sense.

As we look at this behemoth emergency supplemental, Mr. Chairman, I still want to express appreciation to the chairman of the Appropriations Committee and the chairmen of the appropriate subcommittees. I do believe, as is evidenced by the courtliness demonstrated on the floor today, that we are not subject in this case, or any other case, to bad people but to a bad process. As this Congress undertakes to change the way we spend the people's money, this behemoth legislation is again an argument for budget process reform.

To the Neugebauer amendment, I must begin by saying Hurricane Katrina breaks my heart. I have grieved for the families who have lost loved ones and lost their precious resources and communities in the wake of this storm. I have supported Katrina funding in the past. And in working with colleagues to offset its cost, I will support Katrina funding in the future, but I cannot support adding Katrina relief to an emergency military bill.

The American people know that Hurricane Katrina funding and military spending are apples and oranges. As the author of this amendment suggests as well, the President of the United States knows this, having sent a bill to fund Katrina to the Hill separate from a bill to fund the war on terror. Rather than this legislation being focused on a disciplined measure to fund our military priorities, it has in a sense become a fruit basket, as supplemental bills often do. Spending that, while it may be worthwhile, belongs in the regular order of the legislative process in this Congress.

We need to get back to saying that emergency spending should just fund emergencies; and military emergency spending should fund military emergencies. Let us separate support for the war on terror and our support for the families and communities affected by Katrina. Let us support the Neugebauer amendment, and let this Congress work its will independently to the war on terror and our desire to be there for the families and communities affected by Hurricane Katrina.

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

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY).

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

I fully support the Neugebauer amendment to strike the Katrina funding out of this emergency supplemental. It is not in any way, shape, or form that I am opposed to Katrina funding. Indeed, we have already appropriated on an emergency expedited manner $62 billion for Katrina relief. I have been to the gulf coast twice. I have seen the devastation. I have actually worked in one of the clinics in Baton Rouge and treated some of these patients. My heart goes out to the victims of this devastating hurricane along the gulf coast.

But as my colleagues have just said, it makes no sense to join these two bills together. The previous $62 billion that we have appropriated is going to Katrina without much oversight. The citizens, the constituents of the 11th Congressional District of Georgia, are sick and tired of hearing the stories of waste, fraud and abuse. They want some oversight, and this is the only way we can get it.

With all due respect to the appropriations chairman and the subcommittee chairman, this idea that if we do not do it today, right now, combined with the defense emergency appropriations, Armageddon is going to occur. It is not. We come back here the very first day we return and we deal with this bill and we have some opportunity to have some input. This is what our constituents want.

I support the Neugebauer amendment. Let us strike this funding and come back and do it right.

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

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his courage in offering this amendment because I know how easy it is to misrepresent what his intentions are.

I agree with the previous speakers, and I am disappointed that these two bills have not been separated out. I am here to agree and admit, as one who has actually been to the gulf coast, that perhaps more Federal funding may be needed. I have seen the human misery. I have family that was there. My in-laws were there. They were among the lucky ones; they lived through it. Their home, although significantly damaged, was not totally demolished. My heart goes out to these people.

But the answer to the human tragedy is not an unlimited check drawn upon the checkbook of the Federal taxpayer.

Many speakers act like nothing has been done already to help the gulf coast, but $100 billion in tax incentives and in other direct relief has gone to the gulf coast. That, ladies and gentlemen, is a lot of money.

And let us also not ignore the fact that although there was a great tragedy that occurred on the gulf coast, there are many other tragedies that occur in this Nation every day, but CNN is not there to capture them on a day-to-day basis.

Mr. Chairman, 38,000 Americans die each year in a car crash, and we are asking their families to be taxed to send more money to the gulf coast; 1.4 million Americans are going to be diagnosed with cancer this year, and yet we want to tax them to send more money to the gulf coast.

There are almost a half a million homes that burn each year, and we want to tax those families to send more money to the gulf coast. Perhaps more money is justified, but until we see the plan, until we see more accountability where we do not have trailers rotting in the Arkansas mud and Gucci purses being bought on debit cards, until we figure out the precise Federal role versus the State role versus the local role versus the role of able-bodied individuals under the age of 65, until we come up with reforms, and most importantly, until we come up with offsets, it is time that we prioritize our spending. And maybe we shouldn't be funding the citrus canker program and Radio-Free Europe if money is needed at the gulf coast. I support this amendment and hope it passes.

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

Mr. Chairman, maybe I did not hear right, but I thought I heard some rather interesting things. Two speakers ago I heard the words ''we need more oversight.'' Really? This from a Congress and a majority party that has provided mighty little oversight of the abuses at Abu Ghraib, mighty little oversight on the question of contractor ripoffs in Iraq?

If you want some oversight, I will be interested to see how you vote on the amendment to provide a Truman-like committee to get into the details of contractor abuse in Iraq.

I have also heard from the gentleman from Texas express his concern about cancer patients who are being asked to pay taxes to support additional aid to the gulf. I will be interested to see whether the gentleman votes for a budget which for the third year in a row will cut the number of research grants at the National Institutes of Health.

The gentleman mentioned the number of people who die in fires. I will be interested to see whether they vote for the recommendation to eliminate fire grants. I could go on and on, but I won't in the interest of time.

So I was heartened to hear those comments by both gentlemen. I just hope that when the bills come that provide the services for the activities that they mentioned, that they will have the same attitude that they are exhibiting here today.

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

There has been a lot of discussion about what this bill does and what it does not do. What it does do is not take away Katrina funding; but what it says is let us break this bill into two pieces the way that the President of the United States sent this bill over to us, giving an opportunity for Members to express their opinions about our current defense policy, giving Members of Congress the ability to talk about and express their opinions about how they feel about Katrina policy and how it is going today.

One of the things that this amendment does, Members would be able to come back for debate on Katrina and have a separate vote at that particular time.

What we need to understand is this is no small sum of money. This is $92 billion as of the last count; and with the amendments, it is probably going to be more. We also know that $92 billion is in excess of 10 percent of our discretionary spending for 2006.

So it makes good sense for the American soldiers, the young men and women that are defending our Nation, that are executing the war on terrorism to have a separate vote. It makes good sense for the people in the devastated areas because of the hurricanes that we have had, for us to have deliberative talks and discussions about what is good policy for Katrina.

But let's don't leave the third set of people out that this body is charged to represent, and that is the American people. We need to make sure when we are making policy in this building and in this Chamber that it is good for the people in America. The American people are looking to us; and quite honestly, the people back in the 19th Congressional District of Texas are concerned about our spending. They question how much is an emergency and what is an emergency.

Quite honestly, Mr. Chairman, I think that combining these bills today is not good policy, and I urge my colleagues to come down and give a positive vote, vote for this amendment, vote for our soldiers, vote for the people in Katrina, but also vote for the American people.

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

Mr. WALSH. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LEWIS), chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I believe my colleagues know that the Appropriations Committee gives the highest priority to improving and extending oversight to money that is expended.

□ 1315

Indeed, I have personally spent a lot of time working with the Inspector General. We have added money in this bill to the Inspector General specifically to make sure oversight is increased and is very adequate. I am concerned, for example, about the money

that may be available even to east Texas as a result of this work. I intend to make sure that we do what is right in connection with our response to this issue. I would urge a ''no'' vote and appreciate my colleagues supporting that ''no'' vote.

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

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

Mr. NEUGEBAUER. 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 Texas will be postponed.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. 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 Ms. MILLENDER-McDONALD:

Page 59, line 1, insert ''(increased by $50,000,000)'' after the dollar figure.

The Acting CHAIRMAN. Pursuant to the order of House of Wednesday, March 15, 2006, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

I rise today to ask my colleagues to support the amendment that I have offered to H.R. 4939, which is the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery.

Mr. Chairman, I have a bill that is going through the normal process that will ask for $50 million through EAC. But this is an emergency bill and it is an emergency with those who are down in those gulf coast States who are looking for some relief in their elections that are upcoming.

My amendment is a simple one. It merely gives an additional $50 million to FEMA so that they can repair and replace the election infrastructure in the States affected by Hurricanes Rita and Katrina.

On August 29, 2005, the Nation and the world watched in horror as the Gulf States were hit by one of the worst hurricanes in this Nation's history. Hurricane Katrina destroyed life in the Gulf States as we know it. And to our dismay, a few weeks later, Hurricane Rita cut a path of devastation along the Texas-Louisiana coast.

The residents of the Gulf States have witnessed entire towns and cities destroyed in the face of Hurricane Katrina and Rita. In some locations these hurricanes wiped out the entire infrastructure necessary for citizens to educate their children, shop for necessities, and to exercise their right to vote. This is what this emergency bill is all about, allowing the election infrastructure to be placed there to give people the right to vote, because it may be years, Mr. Chairman, before the Gulf States start to resemble the vibrant region of the country which they were known to have before these storms.

And it takes time, Mr. Chairman, to build schools and shopping centers; but when it comes to voting, time is of the essence. The most affected State, Louisiana, will be holding elections in just weeks, along with Mississippi and Alabama, which have scheduled primaries in June.

Mr. Chairman, I have a letter from the Secretaries of State of those States urging us to pass this emergency $50 million and to ask FEMA to provide this. FEMA has denied them before to get this election infrastructure put in place. This bill will do just that.

My bill will add an additional $50 million to FEMA under the Stafford Act. It is my intent that FEMA directs these funds to the States affected by Hurricanes Katrina and Rita to rebuild the necessary infrastructure to conduct Federal elections. As the ranking member on the Committee on House Administration, I have that oversight, and I am urging this amendment to be passed.

Voter registration lists need to be reestablished, sometimes even recreated from scratch; and destroyed polling stations must be reconstructed and made fully accessible to those with disabilities. With this additional money, FEMA will not have to take money away from rebuilding schools and bridges and hospitals and other important reconstruction projects in order to get the election process back up and running in the gulf coast States in time for Federal elections in the coming weeks. And this is not a blank check, Mr. Chairman. The States would have to submit proposals with detailed plans before receiving funds.

Mr. Chairman, I am urging that we do this in light of the fact that FEMA has not, and denied these Secretaries of State the due process of getting these election infrastructures put in place. Hurricanes Katrina and Rita nearly destroyed those Gulf States. Months later, the rippling effect is still being felt by the Nation.

This Nation must provide disaster relief funds to supplement State and local efforts with their efforts to restore and replace supplies, material and equipment so that election officials can conduct credible elections.

We talk about democracy in Iraq and Afghanistan. We need our democracy right here for those who wish to vote and want to vote in the upcoming elections to do that. I urge my colleagues to support this amendment.

NATIONAL ASSOCIATION
OF SECRETARIES OF STATE,
Washington, DC, February 6, 2006.

Hon. SUSAN M. COLLINS, Chair
Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. PETER KING, Chair
Hon. BENNIE G. THOMPSON,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.
Hon. TRENT LOTT, Chair
Hon. CHRISTOPHER J. DODD,
Ranking Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.
Hon. VERNON EHLERS, Chair
Hon. JUANITA MILLENDER-McDONALD,
Ranking Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN COLLINS, RANKING MEMBER LIEBERMAN, CHAIRMAN KING, RANKING MEMBER THOMPSON, CHAIRMAN LOTT, RANKING MEMBER DODD, CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-McDONALD: On August 29, 2005 Americans in the Gulf Coast suffered the most devastating natural disaster in our nation's history. Since that time, officials at all levels of government have been devoted to helping our citizens rebuild and move forward. As Alabamans, Louisianians and Mississippians, we are grateful for the hope, service and resources that have poured into our region and we are heartened by the hospitality of Americans in the great cities across the country who have welcomed our fellow citizens in this time of unprecedented need. We write your committees to request necessary assistance in securing the rights of our region's voters. Because a transparent and accountable democratic infrastructure is the backbone of any rebuilding effort, we are asking for your assistance in securing $10 million to ensure meaningful elections.

As we move in our common struggle to. keep the Gulf Coast vibrant in the wake of disaster, we must provide our citizens with the opportunity to participate in the critical and difficult decision making that each of our states face in the coming months and years.

We are honored to serve as Secretaries of State and Chief Election Officials and humbled by our solemn duty to safeguard our citizens' most fundamental right as Americans—the right to vote. The mandates of our office require that we provide all eligible voters, both those that have returned to their homes already and those that are temporarily residing elsewhere, with an opportunity to participate in this rebuilding effort by exercising their voice through the ballot box.

Each election presents our states with many challenges, but never before has there been such great potential for disenfranchisement than in the elections we are facing in the coming year. In Louisiana alone over 400,000 of our registered voters are dispersed in 49 states across the country. Over 53,000 of those citizens have been welcomed into Alabama and Mississippi. Over 250 polling places in our coastal parishes have been destroyed. To date, Louisiana has expended over $2.5 million in restoration of voting machines and associated equipment alone.

In Mississippi, Katrina's damage was devastating. Though fewer citizens were permanently displaced than in Louisiana, our infrastructure in many communities was completely destroyed or severely damaged, due to storm surge along the coast and hurricane force winds that reached as far as 125 miles inland.

The result of this devastation is that limited county budgets are depleted to deal with

debris removal and infrastructure rebuilding, and much of our counties' tax base is destroyed. Much of these diverted county funds would have been used to bring voting precincts up to ADA standards and to purchase new voting machines to meet HAVA requirements this year. Based on surveys from our 43 affected counties, Mississippi's estimated reimbursement need is $4.2 million dollars for ADA voting precinct compliance and voting machine purchase.

Alabama's Gulf Coast area, and 22 counties which were declared disaster areas following Hurricane Katrina, have a variety of needs to conduct their first election on June 6, 2006. In addition to necessary repairs to make some polling places functional, many counties in this disaster area have used dollars normally allocated for election costs to remove debris, repair infrastructure, etc., and these funds would have been used to upgrade polling place facilities, comply with ADA, provide training, purchase supplies, train polling officials, etc. Alabama's estimated cost for the above needs is 2.3 million.

As Chief Election Officials, we are committed to overcoming these challenges, but to guarantee that each of our citizens has an equal opportunity to participate in the election, we need additional resources that will allow us to be creative in educating our voters, providing opportunities for them to cast meaningful ballots from across the country and rebuild our democratic infrastructure.

Unfortunately, our requests to the Federal Emergency Management Agency (''FEMA'') have been answered by a denial that FEMA has authorization under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to aid us in administering elections. The Stafford Act, however, clearly provides the statutory authority to FEMA to help with necessary election expenses incurred in the wake of a national disaster. 42 U.S.C. §5170a. In fact, when Americans have suffered the results of disasters in the past, FEMA has provided aid and financial support for extraordinary expenses to election officials. For example, in 1992, in the wake of Hurricane Andrew, FEMA provided substantial aid to Miami-Dade County to overcome the obstacles of losing more than 100 polling places. FEMA also provided reimbursement for all of that county's election expenses incurred as a result of Andrew.

We seek assistance from the Senate Homeland Security and Governmental Affairs Committee and the House Homeland Security Committee to help secure necessary funding and assistance from FEMA.

Each of our offices is currently engaged in determining the financial impact of the hurricanes on our respective election system. It is our feeling that we will need $10 million this year in order to adequately address our voters' additional needs as a result of the storms. In order to most effectively administer election related funding, we encourage a formal liaison between FEMA and the United States Election Assistance Commission (EAC). This relationship will allow essential funds to be directed to the states by the federal agency responsible for issues related to election administration. Consequently, we call on the Senate Rules Committee and the Committee on House Administration to work with the EAC to determine the structure of this necessary relationship. It is our hope that, as a result of this relationship, we will have a procedure for obtaining needed financial resources through a responsive partner.

Time, of course, is of the essence. Voters in Orleans Parish Louisiana will cast ballots on April 22 to elect leaders whose vision will determine the future of New Orleans and its historic neighbors. Starting in the spring and running through the summer, all of our states have primary elections for local and federal offices. Of course, this coming fall, each of our states must administer major federal elections. It is essential to a successful rebuilding process that our citizens have confidence in the outcomes of these elections. Our commitment to this goal is undermined only by our lack of resources.

Sincerely,

AL ATER,
Secretary of State, State of Louisiana.
ERIC CLARK,
Secretary of State, State of Mississippi.
NANCY WORLEY,
Secretary of State, State of Alabama.

NASS RESOLUTION ON FEMA FINANCIAL ASSISTANCE AFTER A DISASTER

Whereas, In September 2005 the gulf south region of America suffered devastating losses as a result of Hurricanes Katrina and Rita, and

Whereas, other geographic areas have in the past and will suffer in the future from devastating disasters whether by act of god or man, that will debilitate the election process, and

Whereas, the Secretaries of State and other local election officials in the affected areas will bear substantial additional costs to restore polling places, voting equipment, and other necessary items which will enable them to resume conducting elections, and

Whereas, we, the members of the National Association of Secretaries of State (NASS) and the chief state election officials in 39 states, agree that accurate, accessible, and accountable elections are the centerpieces of our democracy, and

Whereas, the state and local governments in the affected areas have and will suffer tremendous losses of revenue and have to shoulder additional expenses in the clean up and rehabilitation of their respected areas, and

Whereas, the Federal Emergency Management Agency reports that they have no statutory authority to pay for any of these extraordinary expenses, and

Whereas, the Federal Emergency Management Agency has provided assistance and financial aid for extraordinary expenses to state and local election officials for conducting elections during past disasters.

Therefore be it Resolved, That NASS hereby urges and requests the President and Congress of the United States of America to direct the Federal Emergency Management Agency to deem these extraordinary expenditures as eligible for payment under the Stafford Act and to work with other federal agencies to expediently take appropriate steps to assist those Secretaries of State and local election officials in the affected areas.

Adopted the 5th day of February, 2006
In Washington, DC

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

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is just not necessary. FEMA has money and the authorization to go ahead and buy election equipment already, and they are already doing it. This amendment would actually earmark Disaster Relief Funds, which we have never done before. We don't earmark. This is not an account out of which you earmark monies for things you like. These are Disaster Relief Funds that are administered by the government where it is needed.

Now, the Stafford Act authorizes the use of Federal money to repair or replace damaged public infrastructure. That is what it is for, including election equipment. FEMA has already spent over $1.7 million on election equipment in Louisiana and Mississippi. Specifically, Louisiana has received $1,200,100 from FEMA to replace polling booths, computers, voting machines, office supplies, and storage facilities. Mississippi has received $724,000 from FEMA for voting machines, equipment, and election commission furniture. So FEMA is already doing it. I don't know why we need to earmark monies, which I oppose in general; but it is unnecessary here because it is already being done.

There is plenty of money in FEMA's account to replace the election equipment. They are already doing it. So I don't see the need for us to pass this sort of an amendment and set a precedent, Mr. Chairman, for earmarking out of the Disaster Relief Fund for somebody's whim on the floor. We have passed the Stafford Act. That is what governs how FEMA monies are being spent. This would be a violation, in my judgment, of the principle of the Stafford Act.

FEMA is in the process of helping remove debris from the Gulf Coast. Roads are still closed in the area. As has been described innumerable times, it is an absolute mess down there. And while election equipment is important, it is just simply, in my judgment, premature to purchase this equipment, first of all, when there are no structures in place to house the equipment and no roads open to deliver it. When the time is right, FEMA has both the authority and the money to assist with the upcoming election and the equipment requirements. There is simply no need for this amendment and no need to earmark out of disaster funds.

Including the funds in this bill, we will have given $44.5 billion to the Disaster Relief Fund in supplemental appropriations during 2005 and 2006. That is a huge sum. But it reflects the commitment of this body to helping rebuild the devastated Gulf Coast region.

Now is the time for sound management of this money. Arbitrarily carving out specific amounts from the disaster fund would open a floodgate seemingly without end for many, many needs.

We recognize and support the need to repair election facilities. It is critical that we allow those affected by Hurricane Katrina to participate in the most important civic duty, and that is voting. With this bill, the disaster relief monies involved in the bill are in place to do just that and are being spent for that purpose already. So I would urge a rejection of this amendment.

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

The Acting CHAIRMAN. The Chair regrettably informs the gentlewoman from California that her time has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, as much as I hate to disagree with the gentleman from Kentucky, this is not an earmark, nor has FEMA submitted the requisite amount of money that is required for the election infrastructure. They have approved $1 million, but they have given no money; and, in fact, the Secretaries of State have indicated that FEMA has refused and denied them any money at all. So what I am simply asking is that given that this is an emergency to take care of the hurricanes, that we provide the funding for that infrastructure to be placed.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge a ''no'' vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

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

Ms. MILLENDER-McDONALD. 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 gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. 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. JINDAL:

Page 59, line 1, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 49, line 16, after the dollar amount insert the following: ''(increased by $2,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, in the days and weeks after first Hurricane Katrina and Hurricane Rita, it became very clear that the lack of communications was one of the biggest obstacles to a rapid recovery and a rapid rescue effort in the face of these awful disasters.

The purpose of the amendment that I offer today is to use $2 million for the Department of Defense's Technical Support Working Group to deploy in hurricane-affected States existing technology that provides wireless, interoperable, mobile, encrypted broadband communications for first responders, National Guard, Federal response personnel in the case of future disasters or in the case of the temporary absence of communications.

FEMA has already been tasked with identifying and providing existing commercially available capabilities in time to provide responders with this capability before the next hurricane season begins. The capability exists and needs to be rapidly deployed.

The purpose for my amendment is to use $2 million for the working group to deploy in these areas existing technology.

Federal, State, and local law enforcement and first responder agencies were limited in their ability to respond to Hurricane Katrina because they couldn't communicate. The House Select Committee on Katrina identified this as a key failure at all levels. The Select Committee's recommendation states in part that the Department of Homeland Security should establish and maintain a deployable communications capability to quickly gain and retain situational awareness when responding to catastrophic incidents.

My amendment takes a step in the right direction and, importantly, does so before the next hurricane season, which starts June 1. We must provide responders with the capability to talk across agencies, within their agency when customary communications systems like phones are disrupted or destroyed.

This is not, obviously, a cure-all approach to solve our Nation's interoperable problems; but it is one solution that provides a stopgap system that allows responders to talk to each other using their existing hardware from mobile or fixed locations when existing systems aren't available.

FEMA has already been tasked with this responsibility before the next hurricane season. The capability exists and needs to be rapidly deployed.

This amendment does not require additional Federal dollars. It simply provides $2 million and directs the Department of Defense and its technical support working group to work with FEMA using funds Congress has already planned to provide FEMA to identify and deploy the capability.

From a personal perspective, I can state, being on the ground in the days and weeks after Katrina and Rita, this was one of the biggest gaps in our Federal, State and local response, the inability to have interoperable communications.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

□ 1330

Mr. YOUNG of Florida. Mr. Chairman, it is obvious that he has put a lot of time and effort into this amendment. The committee has reviewed the amendment thoroughly, and we will accept the amendment.

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

The Acting CHAIRMAN (Mr. BASS). Does anybody seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. 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. JINDAL:

Page 59, line 1, after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

Page 68, line 16, after the dollar amount insert the following: ''(increased by $50,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I intend to offer and withdraw this amendment.

The purpose of my amendment is to restore the administration's request to rebuild New Orleans' VA Medical Center. I do intend to withdraw this amendment pursuant to a colloquy with my colleagues. I want to, first of all, state the rationale for my amendment in the first place.

The VA Medical Center suffered significant damage after the hurricane. It is a 354-bed acute care facility. It provides health care to more than 220,000 veterans who live in a 23-parish region served by this medical center. It is absolutely critical to get this hospital rebuilt as quickly as possible to continue serving these thousands of veterans, our men and women who have served us so proudly in uniform.

Ironically, it was not the hurricane that did the majority of damage to the VA center. Instead, the facility actually initially weathered the hurricane with minimal damage. However, the breach of the levees days later flooded the entire area around the medical center. Let me correct myself, I am sorry, Mr. Chairman.

It was the breach of the levees, not days later, it was the breach of the levees caused by the failure of design and construction. It was the breach of the levees that flooded the entire area around the medical center, the facility's first floor basement and sub-basement. Those floors housed the facility's major electrical, mechanical and dietetics equipment. Of the 1,819 VA employees in New Orleans, 40 percent lost their homes.

Despite this destruction, despite the obstacles, the VA was one of the few bright lights to shine through the devastation that hit the region. Advanced planning, a well-known electronic medical system helped to ensure that VA could coordinate and move thousands of staff and patients to facilities across the United States without a single loss

of life attributed to the lack of medical attention.

In addition, VA staff members volunteered thousands of hours of their time to assist veterans and other citizens in the affected communities to ensure that the aftermath of this storm and the response could go as smoothly as possible.

Right now, the current situation is that thousands of veterans are being forced to drive a long distance or do without the health care they need. The President initially requested over $600 million to rebuild the medical center in addition to the previous $75 million that was included in the December supplemental for planning and land acquisition.

This is an important facility for the VA. I also want to commend the VA for working together with LSU, which operates the city's Charity Hospital. They have announced an intent to try to work together to construct a shared facility, so the new hospital would have the economies of scale, for example, sharing potentially laundries and other facilities with the State hospital that will also need to be rehabilitated, maybe even rebuilt before it reopens. It is crucial to restore this funding; it is crucial that we get this hospital open as quickly as possible.

I do intend to yield to one of my colleagues. It is my understanding in working with the committee, that they will work with me to ensure that the VA does have the funds they need to reopen this facility in its entirety. I think there was some discussion about the adequacy of the funds, and there was some analysis of how much funds would actually be needed to reopen this facility.

I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I appreciate the gentleman's concern for the construction of the new veterans hospital in New Orleans. I would like to state, also, that I congratulate him and thank him for the leadership that he has provided to the great city and the great people of New Orleans. He has been a consistent and strong supporter.

We will continue to work on this issue, and I will work with the gentleman and all other interested parties to ensure that all necessary funding is available to complete the hospital on schedule.

Mr. JINDAL. I want to thank my colleague and thank the committee. With this agreement, I am willing to withdraw this amendment.

My understanding was there was some confusion in the initial estimates about the actual cost of constructing a parking garage that might have caused an inflated estimate.

I do thank my colleagues for being willing to work with me to make sure this facility is reconstructed as quickly as possible so the veterans can get the health care they deserve. I thank my colleagues. I thank the Chairman.

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

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. 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. JINDAL:

Under the heading ''DISASTER RELIEF'' in chapter 4 of title II, insert after the dollar amount on page 59, line 1, the following: ''(reduced by $142,271,000)''.

Under the heading ''MILITARY CONSTRUCTION, ARMY NATIONAL GUARD'' in chapter 6 of title II, insert after the dollar amount on page 66, line 12, the following: ''(increased by $142,271,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I again intend to offer and then withdraw this amendment pursuant to a colloquy with my colleagues.

The purpose of this amendment, but before I do that, I want to explain the rationale and importance of this amendment. I have offered an amendment to provide funding requested in the amount of $142 million to allow the reconstruction of the National Guard facilities in New Orleans, Louisiana. Replacement of these facilities are absolutely critical for the function of the Louisiana Army National Guard.

Hurricane Katrina severely damaged these facilities, so that they must be replaced. These units are now currently in temporary interim facilities and have less than half the required training area and storage facilities. These makeshift facilities are overcrowded and disjointed in terms of the capacities they offer. Proper facilities need to be constructed immediately to prevent further deterioration of the equipment.

On August 29, 2005, the Jackson Barracks, in particular, suffered massive flooding from Hurricane Katrina. Several weeks later, after the floodwaters had subsided from the hurricane, the readiness centers were again flooded from Hurricane Rita. Together these two hurricanes caused extreme catastrophic damage to the readiness centers that housed the Joint Force Headquarters and the 1/141 Field Artillery Battalion. Portions of each facility were completely destroyed, suffering from building collapses, collapses as a result of the storm's wind, rains and floodwaters.

The damage inflicted upon the readiness center and all other facilities on the Jackson Barracks has rendered them completely useless. The 512 soldiers of the Field Artillery Battalion and the 216 soldiers of the Joint Forces Headquarters are now operating out of small corner spaces in numerous buildings spread across the State of Louisiana until interim facilities can be provided for these units affected by these hurricanes.

These interim facilities should be ready for use in a few short months. However, they will be nothing close to what is authorized or required to provide for mission ready combat units of the United States Army. The Field Artillery Battalion will have less than a quarter of its authorized square feet required for unit training assemblies and a readiness center for a unit of its size. This is the space needed to provide the facilities needed for the unit to meet its wartime training requirements.

The unit will share this space with another unit as well. Not only will it have a quarter of the space, it will be sharing the space with another unit. This heavily cramped facility, though, we are grateful for this in the aftermath of the storm, will hardly satisfy the long-term mission capability for the two units.

Over time, readiness levels to meet training requirements, retention and recruiting will all suffer greatly. Moreover space required to store unit equipment is insufficient. These same issues have also plagued the Joint Force Headquarters.

The post-hurricane plan for the Joint Force Headquarters has resulted in splitting the headquarters into several locations. This strategy is important for recovery of the State. However, facilities for the operation of the headquarters are not available to consolidate the organization at each location. These long-term operations will not be acceptable as this will result in critical management issues for the Joint Headquarters mission providing command and control to the Louisiana National Guard. This will result in poor oversight provided by the headquarters which could significantly affect the readiness for the National Guard.

My amendment seeks to restore the administration's request to rebuild these facilities in New Orleans. Replacement of these facilities should be provided to sustain the readiness posture of the Louisiana Army National Guard. Hurricane Katrina has severely damaged the facilities and these facilities must be replaced, and certainly, we need to send a signal to the Guard that we want to help them increase their readiness even before next hurricane season.

Many of my colleagues have done me the honor and privilege of coming to my state on CODELs to see the damage. Many of you have landed at Jackson Barracks and been accompanied by Louisiana Army National Guard members on your tours. Many of you have seen the heroic footage of what they did in the aftermath of the storm to rescue people out of the water. Many of you are very aware of their extreme sacrifice serving us overseas in Iraq.

Mr. Chairman, I want to enter into a colloquy with my colleagues. My understanding is the committee will work

with me once information is provided from the Louisiana Army National Guard to make sure that these facilities are indeed rebuilt and repaired.

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

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

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding, and I appreciate his great concern for the National Guard facilities in the City of New Orleans and the State of Louisiana. We will continue to work on this issue as we move towards conference, and I am convinced we can resolve all the questions as we complete the work in the conference.

Mr. JINDAL. I want to thank the gentleman and my colleagues. Based on their commitment to work with me to make sure we do provide the funding to rebuild the facilities, my understanding is there are some questions that need to be answered and some additional information that needs to be obtained, but once that information is obtained, that we are confident we can do that before conference.

Based on that, I will seek unanimous consent to withdraw my amendment. Before I do that, I want to thank my colleagues on the committee for working with me on each of my three amendments.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. 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. GINGREY:

Page 62, beginning on line 1, strike lines 1 through 11 (relating to National Park Service Historic Preservation Fund).

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Georgia (Mr. GINGREY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, today I rise in an attempt to rein in what some might see as the most modest of items. Certainly the $3 million my amendment would strike is a minute fraction of the $19.1 billion we are going to spend in this emergency supplemental package on Katrina relief. Specifically, my amendment strikes the $3 million for the National Historic Preservation Fund.

It is my understanding, Mr. Speaker, that the money would be used for section 106 reviews. These reviews are required to assets effects of certain undertakings on historic properties by activities of the Federal agencies like the Department of Homeland Security and FEMA.

Some may ask, why strike this particular program from the bill? The answer is not because I don't like the program or even that the money won't be needed at some point down the line. Rather, I am offering this amendment today to make the point that if we are passing an emergency supplemental, then we should only be including emergency money.

If we need to initiate a project on or near an historic property during a time of emergency, shouldn't the government bureaucracy just get out of the way and waive section 106 reviews, thus saving critical time and money for the vital life needs of those who are and have been affected by Hurricane Katrina?

Mr. Chairman, I will support the overall legislation because I understand the emergency needs of our troops. It was only days ago that I was in Iraq visiting troops and hearing of their needs to ensure continued success in this war on terror. And although I do not believe the two should be coupled together in this particular package, as I previously said, I have personally been to Louisiana twice and I know we are in an emergency situation throughout the gulf coast. They do need further relief.

My point here today is that we must focus our resources on the true needs of the region, not on a government review program that should be waived anyway. When we have successfully moved beyond this immediate situation, then we can reinstate section 106 requirements for the affected gulf coast States.

I ask my colleagues to support the amendment.

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

The Acting CHAIRMAN. Is the gentleman from North Carolina opposed to the amendment?

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment for three reasons. First of all, some $9.5 billion of the $35 billion that has been appropriated will go to food, housing and other critical needs. So we have met those criteria as much as possible.

Secondly, as the gentleman said, this is required by section 106 of the National Historical Preservation Act. We don't want to get into amending and trying to put that in the middle of this supplemental. I would suggest if the gentleman wants to take that up at a later time, we could do that.

Thirdly, it is needed because an $18 billion tourist industry is involved here, and getting the assessment of these national historical preserved sites is going to be the first step in trying to get back that $18 billion.

Those are three reasons I would oppose this amendment. I urge a ''no'' vote.

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

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

The amendment was rejected.

The Acting CHAIRMAN. If there are no other amendments to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 3001. 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. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for ''Immigration and Customs Enforcement—Automation Modernization'', $43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for ''United States Secret Service—Salaries and Expenses'' for critical investigative and protective operations, $43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service ''Salaries and Expenses'' in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading ''Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 is amended—

(1) in the first proviso, by striking ''or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)'' and inserting ''the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965''; and

(2) in the second proviso, by inserting '', except that paragraph (7)(A) of such section shall not apply'' after ''1937''.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th

Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY–03–345–00, NY–03–0325–00, NY–03–0405, NY–90–X398–00, NY–90–X373–00, NY–90–X418–00, NY–90–X465–00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item number 536, by striking ''an economic development planning study'' and inserting ''the Main Street Revitalization Project''; and

(2) with respect to item number 444, by striking ''City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center'' and inserting ''St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College''.

SEC. 3008. (a) The second paragraph under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is amended by striking ''statement of managers accompanying this Act'' and inserting ''statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date''.

(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking ''in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)'' and inserting ''in title III of division A of Public Law 109–115''.

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended—

(1) with respect to item number 714, by striking ''construction of a senior center;'' and inserting ''renovation and buildout of a multipurpose center;'';

(2) with respect to item number 850, by striking ''City of Lancaster, Pennsylvania'' and inserting ''in Pennsylvania''; and

(3) with respect to item number 925, by striking ''Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;'' and inserting ''City of Greenwood, South Carolina for the Emerald Triangle Project;''.

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking ''for a 1-time only obligation and expenditure'';

(2) in subsection (a)(2)—

(A) by striking ''for fiscal year 2007''; and

(B) by inserting before the period at the end the following: '', to remain available until September 30, 2007''; and

(3) by striking subsection (b) and inserting the following:

''(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

□ 1345

AMENDMENT OFFERED BY MR. CONAWAY

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

The Acting CHAIRMAN (Mr. BASS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

Page 81, beginning on line 21, strike section 3010 (relating to LIHEAP).

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. CONAWAY) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, the amendment I have is pretty simple. It would strike section 3010 in its entirety. 3010 deals with the acceleration of the payments on LIHEAP from fiscal year 2007 into fiscal year 2006 by some $750 million.

The basis of this being in there has not been laid. This is not an emergency, certainly. We have had one of the mildest winters that we have had in a long, long time. I have also got it on relatively good authority, scientific authority, that we will have a winter in 2007, that this money was originally set up to supplement LIHEAP funding in that year.

This funding came about as a result of some very difficult work that was done on the Deficit Reduction Act, and offsets were put in place to allow for this spending in 2007. All of the hard work that went into it, all of the groundwork that was laid to convince us that this was needed for 2007 would be inaccurate, I guess, if we were, in fact, to pass this amendment, because that Deficit Reduction Act was passed in early February.

So it has been a little more than a month since the work was done that this House collectively said this $750 million should be spent in 2007 for the LIHEAP program.

I know that there will be those who say, well, LIHEAP has been authorized at much, much higher levels than we have it and than it has ever been appropriated at; but we have not seen any evidence that the appropriation levels that we have had in the past were inadequate, that there has been evidence shown that there has been needless suffering going on as a result of this funding being less than what was authorized.

I would also remind my colleagues that we have a very disjointed national policy in that we restrict drilling in areas where we know there is crude oil and natural gas, the basis for most of the energy costs that we are talking about helping low-income with, we restrict that drilling.

And it does not take a great economist to understand that if the supply of a commodity is greater than the demand that the price will go down. So it seems wrong-headed on one hand to have a subsidy program for our energy costs and then at the same time restrict the drilling for that commodity to continue to drive that price up, which then means you need more subsidies to support the higher and higher prices.

So my amendment is pretty straight forward. It strikes this section in its entirety. And I would encourage my colleagues to support this amendment.

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

Mr. OBEY. Mr. Chairman, what is behind this amendment is very simple. The gentleman would like to hold the low-income heating assistance funding in this bill hostage to drilling in ANWR. He cannot do that under the rules of the House; and so from his standpoint, the next best thing is to eliminate low-income heating assistance in general.

I was one of the three original authors of the low-income heating assistance program, along with Silvio Conte, Republican from Massachusetts, and Ed Muskie in the Senate. And I think I know something about this program and why this amendment is destructive.

Let me explain what happened last year. The House-passed version of the budget reconciliation bill included $1 billion for LIHEAP to be available in fiscal 2006. But just before the reconciliation conference was completed, the defense appropriations conference report was filed, and that contained an additional $2 billion for LIHEAP as part of the sweetener for ANWR oil leasing provisions.

Not wanting to duplicate the ANWR funds, the reconciliation conferees shifted their addition to fiscal 2007. Subsequent to that, however, the entire ANWR package, including the $2 billion appropriated for LIHEAP, was dropped out of the defense appropriations conference report.

The end result was no additional funds for LIHEAP in 2006, despite escalating heating oil and natural gas prices. The committee amendment simply tries to move the money back to where it was originally supposed to go, which was in this fiscal year. The problem, however, is that the language, even in the committee amendment, does not guarantee that that money will be spent this year; it only allows it to be.

Let me point out the gentleman says he does not think this is an emergency. The gentleman makes $160,000 a year. So does everybody in this Chamber. It is not an emergency to us. We do not have to worry about heating our houses. But there are an awful lot of people who do. Only 16 percent of the people who are eligible by income for low-income heating assistance last year got some help.

And the fact is that the average price for home heating oil has more than

doubled since 2001 and 2002, yet LIHEAP has increased only 20 percent since that time. Average prices for natural gas are up 31 percent. Average prices for home heating oil are up 25 percent, for propane up 18 percent, just from one winter to another.

Over 3 years' time they are much, much steeper. So I would suggest that the family that was able to get through the winter without help when home heating oil was selling for $1.16 a gallon, as it was 4 years ago, is going to have a little more trouble coping when heating oil reaches $2.40 a gallon, the average price now.

So I would suggest that to eliminate this funding is unadvisable. I am myself unhappy with the provision in the committee bill, because unlike the original Obey amendment which was offered in committee, this does not even require the funding be provided this year; but at least it allows that funding to be spent in this year or next.

And I think that that is better than nothing. I think the gentleman's amendment, while I respect him and respect certainly his right to offer it, I think that the amendment itself is misguided and ought to be defeated.

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

Mr. CONAWAY. Mr. Chairman, I certainly have a great deal of respect for my colleague on the other side of the aisle, but I think it is a bit misplaced to compare the salaries which you and I make, which I think is $165,000 a year, to every malady known to man. Because if we are going to do that, there is not enough money in the Federal Treasury to make that happen.

So I would disagree that that is a very good analogy. We will also consider in this Chamber in a little while a suspension bill that will add a billion dollars in funding to LIHEAP. In fair disclosure, I intend to oppose that as well. But if for no other reason, in order to simplify the world and make it easier on the conferees, my amendment would strike this section out of the bill so that when we go to conference with it, the $1 billion that will be in the suspension bill, I suspect it will get approved, and this $750 million, there would be no confusion that this $750 million is not tacked on top of the $1 billion.

I think the analysis has not been made. The price has gone up less than 50 percent and this funding would increase support by well over 100 percent, from a billion to a billion. So I want to respectfully disagree with my colleague and ask my colleagues to support this amendment to strike this section from the bill.

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

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

Mr. Chairman, let me simply suggest that the fact is that there are many people in this country who have to choose between heating their homes and eating. I think we ought to make their life just a little bit easier.

I yield to the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I appreciate the gentleman yielding me time.

If the Snowe language in the bill, the other suspension bill passes this afternoon, then by all means strike this in a committee of conference. But pending that, those of us from cold-weather States and warm-weather States need this fuel assistance. I salute Mr. OBEY for working to make sure it is included, at least to the extent that it is. In the conference report, if the Snowe language passes today, then the amendment that is proposed could be stripped out in conference, and certainly I would support that.

I thank the gentleman for yielding.

Mr. OBEY. Mr. Chairman, in the interests of redundancy, I would urge that we defeat the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

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

Mr. CONAWAY. 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 Texas will be postponed.

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

Mr. Chairman, we have moved past the point in the bill where the Flake amendment was to be offered, which would have attempted to strike an earmark that was contained in last year's bill for which a correction is found in this year's bill.

I am pleased that amendment was not offered. But I would like to take just a moment to urge every Member of this House to think before they leap on the issue of giving the President the authority for what is, in effect, an item veto.

I find it mindboggling that there are some people in this Chamber who believe that the main institutional problem that we have in this Congress is that the President has insufficient power vis-a-vis the Congress of the United States.

We have a President who has taken us to war on the basis of manipulated and selected intelligence. We have an administration under whom persons have been tortured, and we are told that more than 100 persons in captivity have died. We have an administration that eavesdrops on American citizens without a court order.

And then we say that the problem is that the President has too little power? I would suggest quite the contrary. If any of you are interested in the line item veto, I would urge you to for a moment forget who is in the White House now and think what might have happened under Lyndon Johnson.

This was a President of my own party, a President who lied to this Congress about the Gulf of Tonkin Resolution. Gaylord Nelson, from my home State, was one of the first three people in the Senate to vote against the first appropriation for Vietnam.

Can you imagine what Lyndon Johnson would have done to Gaylord Nelson if he had had any version of the item veto at his disposal? He would have put his arm around Gaylord. He would have said, ''Gaylord, you support that war or you are not going to get your wild rivers designation. You support that war or you are not going to get this earmark for the forest service. You support that war or you are not going to get anything that you want in the budget.''

□ 1400

And I can imagine, I can imagine the power that Johnson would have had using that kind of device. I would also suggest I believe that many, many reforms that are adopted in politics wind up being counterintuitive. And I would suggest, for instance, that an item veto could, in fact, significantly raise the cost of doing business in government affairs because Presidents will dangle projects in front of Members if they are ''good,'' ''good'' being defined by the White House. And that could, in fact, enhance the White House's ability to pass questionable legislation by dangling goodies in front of Members and threatening to cut them if they did not.

So I think my record is clear on earmarks. This Congress provided many fewer earmarks when I was chairman of the Appropriations Committee than it has in any year since that time. But having said that, I think it is important, in whatever choices we make about earmarks, to not inadvertently in that process enhance the power of the executive branch of government so that they are even more strong than they are today, vis-a-vis the Congress of the United States.

In the last analysis, there is only one check on untrammeled executive power, and that check is the Congress of the United States. And I would urge Members of this House, regardless of party, not to weaken that check. That check is not just important to the Congress. It is important to the American people.

Not in the 36 years that I have served here, has any President ever seen any Congress change that President's spending request by more than 3 percent. And it is that 3 percent difference that makes a difference between having a President and having a king.

With all due respect, I think we ought to make certain we continue to have a democracy, not an unofficial monarchy, and I believe that an item veto would contribute to destroying that very delicate balance of power between the two branches, and give even

more power to the executive branch which in so many ways is demonstrating runaway executive power right now.

The Acting CHAIRMAN (Mr. FOLEY). The Clerk will read.

The Clerk read as follows:

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term ''P&O Ports'' means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term ''Dubai Ports World'' means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of nonviolence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading ''Economic Support Fund'' in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. 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. KENNEDY of Minnesota:

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

Sec. —. None of the funds provided in this Act may be used to allow entry onto the grounds of any Department of Defense installation or cemetery or Department of Veterans Affairs cemetery for the purpose of a demonstration in connection with a funeral or memorial service or ceremony for a deceased member of the Armed Forces.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by telling the Members why am I on the floor today.

Less than a month ago, the body of Corporal Andrew Kemple, who was killed while fighting for our freedom in Iraq, was laid to rest during a ceremony at the Zion Lutheran Church in Anoka, Minnesota, in my congressional district.

However, instead of the funeral Corporal Kemple deserved, one where his family and friends were able to share fond memories of their time with him and where his faithful service to this country could be honored, there was, instead, a vile and hateful display. Funeral protesters, and I use that term loosely, chanted vile slogans like ''God hates America'' and ''God loves IEDs'' during Corporal Kemple's funeral ceremony for more than an hour.

As my colleagues know too well, the improvised explosive device, or IED, has been a favored tool of the terrorists in Iraq and has been responsible for much death and injury for our troops.

Mr. Chairman, words like ''reprehensible'' and ''disgusting'' do not adequately describe these slogans or this stunt on this solemn and sacred occasion. Unfortunately, this shameful incident in my district is not an isolated one. This scene has been repeated again and again at the funerals of fallen servicemen and women across the country. We must and can stop it.

That is why I rise today to offer an amendment that will ensure that none of the funds in this supplemental can be used to approve demonstrations at Department of Defense or Department of Veteran Affairs cemeteries during a funeral or memorial service for a member of the United States Armed Forces.

My amendment would ensure that our men and women who have given what Lincoln called ''the last full measure of devotion'' receive the honors they are due.

My colleagues may have heard of efforts in the States to preserve the sanctity of military funerals. As many as 17 have been reported to be working to preserve the solemnity of this occasion. This fact does not relieve Congress of its duty to take action on Federal lands.

This amendment would be a meaningful first step to preserve a measure of decency for grieving families of fallen soldiers right now while Congress considers legislation introduced by my friend Mike Rogers to address the problem long term. Our men and women in uniform are doing their duty in the war on terror and we must do ours.

Mr. Chairman, though I believe my colleagues are being denied an important opportunity on account of this procedural matter, I ask to withdraw my amendment and I urge all Members to support the forthcoming legislation that my good friend, MIKE ROGERS, is about to introduce that provides a lasting solution to this outrage.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BERRY

Mr. BERRY. 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. BERRY:

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

SEC. _____. EXTENDED PERIOD OF MEDICARE OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.

Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking ''May 15, 2006'' and inserting ''December 31, 2006''; and

(2) by adding at the end the following new sentence:

''An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).''.

SEC. _____. ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.

(a) APPLICATION TO MA–PD PLANS.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(1) in paragraph (2)(B)—

(A) in the heading, by striking ''FOR FIRST 6 MONTHS'';

(B) in clause (i)—

(i) by striking ''the first 6 months of 2006'' and inserting ''2006''; and

(ii) by striking ''the first 6 months during 2006'' and inserting ''2006'';

(C) in clause (ii), by inserting ''(other than during 2006)'' after ''paragraph (3)''; and

(D) in clause (iii), by striking ''2006'' and inserting ''2007''; and

(2) in paragraph (4), by striking ''2006'' and inserting ''2007'' each place it appears.

(b) CONFORMING AMENDMENT TO PART D.—Section 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking ''subparagraphs (B) and (C) of paragraph (2)'' and inserting ''paragraph (2)(C)''.

SEC. _____. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) IN GENERAL.—Subpart 2 of part D of the Social Security Act is amended by inserting

after section 1860D–11 (42 U.S.C. 1395w-111) the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2007), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals in accordance with subsection (b).

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in a year shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w-103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.

''(B) RELATIONSHIP TO OTHER PLANS.—

''(i) IN GENERAL.—Subject to clause (ii), a medicare operated prescription drug plan shall be offered in addition to any qualifying plan or fallback prescription drug plan offered in a PDP region and shall not be considered to be such a plan purposes of meeting the requirements of this subsection.

''(ii) DESIGNATION AS A FALLBACK PLAN.—Notwithstanding any other provision of this part, the Secretary may designate the medicare operated prescription drug plan as the fallback prescription drug plan for any fallback service area (as defined in section 1860D–11(g)(3)) determined to be appropriate by the Secretary.''.

(2) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w-113(c)(3)) is amended—

(A) in the heading, by inserting ''and medicare operated prescription drug plans'' after ''Fallback plans''; and

(B) by inserting ''or a medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(3) Section 1860D–16(b)(1) of such Act (42 U.S.C.1395w-116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

''(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.''.

(4) Section 1860D–41(a) of such Act (42 U.S.C. 1395w-151(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Arkansas.

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

Mr. Chairman, we have a crisis in this country and it needs to be dealt with on this bill. This amendment would provide for a real Medicare prescription drug benefit and save the Nation's taxpayers a minimum of $40 billion a year in the process. It would provide for continuous open enrollment for all of 2006 and lay any late enrollment penalties until 2007.

Currently, if a beneficiary misses the May 15, 2006 deadline, they will not have the ability to enroll again until November 15 of 2006. This means they will automatically be subjected to a 7 percent minimum penalty for the rest of their lives. This amendment would allow beneficiaries the option of changing plans once in 2006 if they have made a poor choice, and there is no possible way that they could have known it was a poor choice when they made it.

It would create a drug plan administered and run by Medicare. It would require the Secretary of Health and Human Services to negotiate for drug prices on behalf of the American people of our seniors that are enrolled in the plan, and they are the greatest generation. They built the greatest Nation in the history of the world and they deserve better than what they are getting.

This would not do away with any of the existing plans. It would just provide a much better option. It would provide lower prices and it would provide these prices that at no cost to the government.

Our rural pharmacies are going broke because of this crazy Medicare part D bill that we have forced on our seniors and on our pharmacists. It is unfair. It is absolutely overpowering to know that our own government did this to good people. This amendment will fix that. And our seniors are still not getting the medicine that they need and deserve to stay alive, stay healthy and have a decent lifestyle.

Once again by independent sources it has been verified that this amendment, if only half the eligible people signed up, it would save the taxpayers $40 billion. If all of them were part of this plan, it would save $100 billion a year, and they would still get their medicine cheaper than what they are paying for it right now. It only makes sense that we do this for the greatest generation and for those wonderful seniors that thought they were going to get treated a whole lot better by their own government.

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

Mr. LEWIS of California. Mr. Chairman, I must say that my good friend, perhaps, has a prescription for success here, but I must say I must make my point of order.

Mr. OBEY. Mr. Chairman, did the gentleman rise to make his point of order?

Mr. LEWIS of California. Yes.

Mr. OBEY. Would the gentleman withhold temporarily?

Mr. LEWIS of California. I certainly will.

The Acting CHAIRMAN. The gentleman from California reserves his point of order.

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

Mr. Chairman, as the gentleman from Arkansas says, we have hundreds of thousands of seniors who are faced with absolute confusion on this prescription drug bill. What we are trying to do is help them sort through some of the ridiculous choices they are being forced to make.

What we are trying to do is to say that we will move the sign up deadline back to the end of the year to give them more time to sort out which plan best fits their needs. In my State, for instance, there are over 40 plans being offered to seniors.

Secondly, we are saying give those seniors one opportunity to change a plan after May. Right now, if they do not make a change before May, they are stuck. Give them an opportunity to change once after May if they discover they have made the wrong choices in plans.

Why are we offering this on the appropriations bill? It is very simple, because the rules were abused egregiously in order to enable the passage of this bill in the first place. The bill contained an outrageous gap in coverage now called the ''doughnut hole.'' It also contained a provision which forbade, which forbade the government

from even negotiating with the pharmaceutical industry on price.

How did that happen? Because the majority leadership of this House held the vote open for 3 hours in order to change the verdict. The way things are supposed to work in the House, as everybody knows, is that when we vote, these machines open, our name lights up on the board, we take our voting card, we put it in, and 15 minutes later the people with the most votes are supposed to be the winners. That is not the way this bill was passed.

The way this bill was passed was that this bill was defeated at the end of 15 minutes. It was defeated at the end of a half an hour. It was defeated at the end of an hour. It was defeated after 2 hours. It was defeated after 2½ hours. But finally after 3 hours of holding the vote open the bill passed. How? Because the Republican leadership of this House broke Members' arms to vote for a bill they did not want to vote for because it contained these defects.

□ 1415

That is why we are trying to use the rules that were abused in that action in order to correct the abuse and give our seniors in the process a little more time to make a crucial decision in their lives.

I would urge support for the amendment, and I would urge the gentleman not to raise a point of order against the bill.

Mr. Chairman, could I ask how much time I have remaining.

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

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, 3 months into the implementation of the Medicare drug benefit, one thing is perfectly clear, and that is the ''D'' in part D stands for disaster. Beneficiaries are being bombarded by marketers and have been victimized by fraud. Forty percent of beneficiaries have yet to choose a plan because they remain perplexed and frustrated. $1.2 trillion seniors and people with disabilities deserve better than this.

The Berry amendment would provide beneficiaries an additional 6 months to choose a plan. This is the least that we can do for our senior citizens.

I cannot imagine that any Member has not gone home and found hundreds and thousands of seniors who cannot figure this out. Only a small fraction are computer literate, and they are trying to figure it out.

Let us give these seniors a little more time to try and figure this out. In the meantime, maybe we can fix this plan so that it can be serving them rather than the pharmaceutical companies and the insurance industry.

This is a very, very sensible amendment. I know that there are people on both sides of the aisle who are feeling the pressure just to give a bit more time to our seniors. I hope you will all support this amendment.

Mr. BERRY. Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman from Arkansas has 2 minutes remaining.

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

Mr. Chairman, the distinguished gentlewoman from Illinois said it just like it is. Our senior citizens deserve better. We can provide better drug coverage, better health care for our seniors in this country and save money at the same time.

It defies logic that we would not take this opportunity to see that the wonderful generation that built this great Nation, they went through the Great Depression, they fought World War II, and then in their senior years to be treated like this only because we had a Congress willing to serve the pharmaceutical industry and allow them to rob our seniors and the rest of the American people, for that matter, and the insurance industry.

This is an opportunity to right a great wrong. It is an opportunity to correct and fix the sorriest, most disgusting piece of legislation ever passed by the United States Congress; and I would ask that this at least be allowed to come to a vote.

Mr. KUCINICH. Mr. Chairman, Medicare, like Social Security, is a solemn intergenerational promise. People pay into Medicare for a lifetime of work, and they expect quality health care when they retire or become disabled. With the passage of the Medicare Modernization Act in 2003, Medicare's ability to continue to provide quality health insurance both now and in the future has been threatened. Congress increased costs for beneficiaries, in all parts of Medicare, as it increased payouts to HMOs and drug plans.

In passing Part D, Congress chose to side with the pharmaceutical and insurance industries rather than seniors and the disabled. Those on Medicare are at the mercy of the private sector for their drugs. There are 19 companies offering over 40 different prescription drug plans in Ohio, not including those offered through Medicare Advantage HMO's. Each of these plans can choose which drugs to cover and which to exclude from their formulary. They can change their formularies at any point in time. Corporate interests are deciding which drugs you can take instead of physicians.

I wanted one prescription drug card, offered directly through Medicare, for seniors to use to cover all their drugs at pharmacies of their choosing. Congress could have passed a bill with both a real and simple benefit for Medicare beneficiaries, and for less money. Drug prices could have been negotiated and administrative costs could have been reduced through a plan directly under Medicare. In fact, the Center for Economic and Policy Research recently released a study showing that if Medicare negotiated drug prices, we would save so much money that we would be able to cover every single beneficiary with no co-payments, no deductibles, and no premiums . . . and still have $40 billion dollars left. Now, we have a program where the coverage is too little, the cost is too high, and complexity is preventing seniors from getting the drugs they need.

CMS SHORTFALLS

The Centers for Medicaid and Medicare Services (CMS) made inherently flawed legislation even worse with its failure to ensure uninterrupted drug coverage, its lack of adequate rules regarding drug plan formularies, and its distribution of both incorrect and inadequate information. Since January 1, 2006, individuals either on Medicaid or Low-Income Assistance should have paid no more than $5 per 30-day retail or 90-day mail order prescription. For hundreds of thousands of people, some of whom contacted my office, this was not the case.

Computer systems from CMS, the state, Social Security, and private plans did not adequately merge with the computer system pharmacies use to verify enrollment and co-payment information. What does this mean? Accurate co-payment amounts were not charged, and in some cases, are still not being charged. Charges have far exceeded $5 in many cases, sometimes by hundreds of dollars. Despite Medicare's anticipation of these scenarios, the problem was not addressed until After it hit beneficiaries.

Regarding plan formularies, CMS rules allow plans to refuse to cover many drugs in the antidepressant, antipsychotic, anticonvulsant, anticancer, immunosuppressant and HIV/AIDS formulary categories—another instance of this administration playing doctor. This time, though, it is not just the health concern of one person, but it is an issue of social concern if some of these individuals are not able to access their prescribed medications.

To make matters worse, CMS has yet to correct in writing a major error in the ''2006 Medicare and You'' handbooks which states that all plan premiums would be fully covered if on ''Extra Help''. In reality, government subsidies will only cover premium amounts up to $30.69 for 2006. Many seniors will be surprised when their plan charges them the difference. In a response letter to me, the CMS Administrator, Dr. Mark McClellan, talks about CMS's multi-pronged approach to minimize the impact of this unfortunate error. Unfortunately, his approach consists primarily of a correction to Medicare's Web site rather than directly to seniors.

CORPORATE SHORTFALLS

Without needed information, people on Medicare cannot make a decision. Many who have other drug coverage have not received notice from their provider whether or not their plan is creditable, or at least as good as Medicare's. If they make the wrong decision, they would have lesser coverage.

Want information from the plans? Good luck! These companies have not dedicated nearly sufficient staff to handle questions and information, as you probably are aware. Most plans simply hang up on incoming calls, sometimes after waiting for hours on the phone. This is even the case for pharmacists who are spending time calling to check enrollment information with these companies.

Each company is required to follow CMS transition policies to cover any drug for 30-days, regardless if it is on their formulary or not. Most companies are not volunteering this information, and some are not abiding by it.

PHARMACY SHORTFALLS

CMS has released scenarios detailing actions pharmacies should take to make sure Medicaid and low-income assistance individuals receive their drugs at the proper copay amount. Though the directives are informative and needed, they have not been adequately disseminated. Even when they are aware of them, some pharmacies are not following these directives. As a result, many of these people are going without their drugs.

When we consider the complex, costly nature of the program, in addition to the flawed implementation of the program, the minimum we can give our seniors is an extension of the deadline to enroll without penalty. If CMS can't smooth over the problems in implementation in time, we cannot ask seniors to observe the original deadline of May 15. They should be allowed to make sure they don't have to gamble with their lives when switching to a new plan. They need to know that the program, as flawed as it is, can be implemented in a way that does not deprive them of their medicines. I urge my colleagues to join me in supporting the Berry Amendment.

Mr. STARK. Mr. Chairman, yesterday, a woman told President Bush that she was having a hard time understanding his prescription drug program and needed more time so that she could make an informed choice for her mother.

Bush told her too bad. Specifically, he said, "Rolling back good deadlines is not going to help your mom make a good decision."

He's wrong. The implementation of this drug program has been a disaster. That's not a partisan statement, it's a factual one. Delaying the May 15th deadline until the end of 2006 should be a no-brainer.

Senior citizens and people with disabilities shouldn't be forced to pay financial penalties for the rest of their lives because the law was poorly implemented. Nor should we allow the confusion of the last few months to turn beneficiaries off from ever entering the program.

Yet, if the deadline goes into effect, that's exactly what will happen. According to the Congressional Budget Office 10 million seniors will pay higher premiums for their prescription drugs for the rest of their lives if this deadline is not delayed. And more than 1 million seniors will choose not to enroll this year.

Mr. Bush has long claimed to be a compassionate conservative. There is nothing compassionate about telling America's seniors too bad and forcing them to pay higher premiums for the rest of their lives.

My Republican colleagues keep complaining that Democrats are demagoguing the drug bill. We are not. We are here today trying to help them make it work better. I urge them to join us in that effort.

America's seniors need and deserve a Medicare drug benefit that is user-friendly, affordable, and stable. Vote for the Berry Amendment to do just that.

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

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman will state it.

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

The rule states in pertinent part: any amendment in a general appropriations bill shall not be in order if changing existing law. This amendment directly amends existing law.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, it is ironic that the same rules that were abused in order to pass this legislation in the first place are now being hidden behind the majority in order to prevent us from correcting the flaws in that legislation. We could correct those flaws if the majority refrained from offering their point of order. Unfortunately, it appears that they are going to insist, and so they will have again selectively used the rules of this House to accomplish an end which would not have been reachable had the rules been adhered to in the first instance.

The Acting CHAIRMAN. Are there any other Members who wish to argue the point of order?

The Chair finds that this amendment directly amends existing law. 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 OFFERED BY MS. DELAURO

Ms. DELAURO. 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 Ms. DELAURO:

Page 84, after line 17, insert the following section:

SEC. 3013. Effective September 30, 2006, sections 319F–3 and 319F–4 of the Public Health Service Act (relating to liability protections for pandemic and epidemic products and security countermeasures), as added by division C of Public Law 109–148 (119 Stat. 2818), are repealed.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentlewoman from Connecticut.

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

This amendment is very simple. It repeals the comprehensive liability protection for vaccine manufacturers by the end of the fiscal year, September 30. I believe some sort of liability protection or indemnification is necessary and appropriate to encourage the development and the manufacture of some measures that are going to deal with a pandemic flu. I would support reasonable language.

Whatever our respective views are about the wisdom of liability protection, the manner in which this particular provision was included in the defense appropriation bill last year is indefensible.

Last December, legislation granting liability protection to the vaccine manufacturers was unilaterally inserted into the defense appropriations bill after the conference had closed, after an understanding verbally and in writing that no legislative liability language would be inserted into the bill. It was done in the dead of night, absent any careful consideration, no public hearings or debate among the Members of this body, nothing. It was the work of one person and one body. It should never have been allowed.

Further, there are now no means for victims who are seriously injured to seek compensation, unlike other Federal vaccine programs: swine flu, smallpox, children's vaccines. Usually when government grants liability exemptions to companies, it provides some form of relief for the consumers who are injured.

As we further discovered about this bill, the liability protection was granted not only to vaccines being developed to prepare us for an avian flu outbreak but also for a far broader range of potential vaccines and medical equipment, just about anything else the HHS Secretary deems appropriate.

This sweeping, unchecked power granted to a Cabinet Secretary is unprecedented, to my knowledge, also sweeping power granted to the pharmaceutical industry. The Congress ought to consider carefully before ceding its authority to this or any administration.

Under this law, manufacturers and their suppliers, distributors and their employees would be shielded from a lawsuit, even if they turned out to be negligent or reckless. None of us would agree that a negligent distributor, someone who ruined a vaccine by mishandling it, for example, should be held harmless. Do we want to say a drug maker who knows a product is defective but chooses to sell it anyway is above the law?

We face a frightening prospect that millions of Americans could contract this deadly flu. Our first priority ought to be inoculating the American public from a deadly strain of flu and not inoculating pharmaceutical companies from the threat of legal liability.

This provision has serious implications. All my amendment seeks to achieve is to grant the full Congress and the committees of jurisdiction the opportunity to fully consider the policy implications of this issue. It accomplishes that by sunsetting comprehensive liability protection to the drug manufacturers beyond this fiscal year. It gives us plenty of time to have

the appropriate parties debate this issue thoroughly.

Lastly, let me say a word about the rationale for making this amendment in order, because I understand that my colleagues on the other side of the aisle are preparing to challenge it on the basis of it being in violation of rule XXI and rule XVI, and that is certainly their right.

But before they do, let me ask, where was the concern for the rules when a Member of the other body unilaterally rewrote liability law in this country? Given the complete abdication of procedural norms which made this provision's enactment possible, which we have seen time and time again in this institution, I would ask the majority, spare us the lectures about the need to respect House rules in this instance.

Mr. Chairman, the House should have a full debate on this measure and an up-or-down vote. Let us give this institution the opportunity to reclaim the dignity, and constitutional authority, that the majority renounced in allowing one Member to usurp the power of this body, to bolster himself on this critical issue. That is what this amendment is about.

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

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

Mr. Chairman, we are here because last year on the defense appropriations bill, in the middle of the night, we were trying to finish action on that bill, and we had agreed that we would add the administration's request for $7 billion to fund a research program to develop vaccines to deal with avian flu. When the majority produced their bill, it only had $3.5 billion. We asked why the other money that was requested by the administration was not included. I was told by Senator STEVENS, the chairman of the conference, that that was because the majority party had decided that they would not deal with the issue of drug company indemnification, and until they did, they were not going to put the long-term money in the bill.

So they told us in writing, as well as orally, that they were not going to add any language indemnifying the drug companies. The conference ended about eight o'clock.

Close to midnight, the majority leader of the United States Senate walked over to the Speaker's office and insisted that 40 pages of language never read or never checked out by anybody, that 40 pages of language never voted on by anybody be inserted in that conference report without a vote of the conferees, and that was jammed down our throats the next day.

That language purported to protect drug companies in case they made some faulty flu vaccine; but, in fact, the language went far beyond that. It applied to all vaccines, it applied to all drugs and all medical devices that the Secretary chose to apply it to. It provided no possibility for judicial review at all. So in other words, it said if you get sick, if you lose your health because of a faulty vaccine or a faulty device, you cannot sue the drug company; you have to collect from the government.

But guess what? They put no money in the fund that was supposed to be used to compensate victims. So it was a catch-22.

We are here today because, in my view, that action inserting that language, without a vote of the conferees, was one of the most egregious corruptions of the legislative process that I have seen in the 37 years that I have been here. And we are trying to use the rules of the House today to reverse what happened because of an egregious abuse of those rules by the leadership of this House and by the leadership of the Senate.

Of all people, of all people in the Congress, the leadership of both Houses have an obligation to protect the integrity of the institution and the integrity of the rules. When they themselves lead the charge to obliterate any opportunity to use the rules in defense of normal processes in this House, then, in my view, they have ultimately corrupted the process of legislation.

So this amendment ordinarily would not be here, but the damage was done on this bill last year, and so we are trying to use the same vehicle to undo the damage. We recognize there needs to be some indemnification language, but it needs to be reviewed by somebody other than drug company lobbyists; and until that happens, I am going to continue to be mad as hell about this and do everything I possibly can to reverse the outcome.

We are trying to preach democracy in Iraq. It would be nice if the leadership of this Congress showed some here at home in this institution.

□ 1430

Ms. DELAURO. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN (Mr. FOLEY). The gentlewoman has 30 seconds remaining.

Ms. DELAURO. I would just conclude by saying that this is about inoculating the American public against a deadly flu. We are not in the business and we are not charged with inoculating the pharmaceutical companies from the threat of legal liability. That is not why we were sent to the United States Congress. We are here to protect the public interest and the public trust.

Let us do our job. Let the appropriate committees of jurisdiction deal with this issue; have the companies, have the consumers bring people together. That is simply what this legislation and my amendment is all about.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Does the gentleman insist on his point of order?

POINT OF ORDER

Mr. LEWIS of California. Yes, Mr. Chairman. I must say that I think you know me well; that my colleagues do as well. I feel very strongly about the rules of the House and I feel very strongly about the way we operate with each other. I must say I have regretted from time to time all the lessons learned when the former majority ran the House. But because of that experience, I must propound my point of order.

So, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore 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.'' This proposal directly changes existing law.

The Acting CHAIRMAN. Does any Member wish to be recognized on the gentleman's point of order?

Mr. OBEY. Mr. Chairman, I would simply say that what the gentleman is suggesting by insisting on his point of order is that the rules of this House may be bent by the majority in order to provide special interest language in a piece of legislation, but they cannot be used by the minority to defend the public interest in that same case. I would find that a strange interpretation of the rules indeed.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order? Hearing none, the Chair is prepared to rule.

The Chair finds this amendment repeals existing law. 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.

Mr. OBEY. Mr. Chairman, because this is the only way that we can protest this egregious corruption of the rules of the House, I respectfully appeal the ruling of the Chair.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, and the order of the House of today, this 15-minute vote on the appeal of the ruling of the Chair will be followed by the following amendments on which further proceedings were postponed, in the following order: The amendment by Mr. SABO of Minnesota, 5-minute vote; the amendment by Mr. NEUGEBAUER of Texas, a 2-minute vote; the amendment by Ms. MILLENDER-MCDONALD of California, a 2-minute vote; the amendment by Mr. CONAWAY of Texas, a 2-minute vote.

The Chair wishes to underscore the 2-minute vote was agreed to by this

Chamber. We will hold those votes strictly to 2 minutes. Members are advised to watch the board that they have properly recorded their votes during those 2-minute votes.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 16, as follows:

[Roll No. 55]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
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
Gohmert
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
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
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
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
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 (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
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
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Higgins
Jindal
Knollenberg
Kucinich
Oxley
Putnam
Scott (VA)
Sensenbrenner
Strickland
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1457

Ms. LINDA T. SÁNCHEZ of California, Ms. McKINNEY, Messrs. ROTHMAN, EDWARDS, TAYLOR of Mississippi and Melancon changed their vote from ''aye'' to ''no.''

Messrs. REGULA, BOOZMAN, BUYER and TOM DAVIS of Virginia changed their vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

Stated against:

Mr. HIGGINS. Mr. Chairman, on rollcall No. 55, I was unavoidably detained. Had I been present, I would have voted "no."

(By unanimous consent, Ms. ESHOO was allowed to speak out of order.)

HONORING PROFILES IN COURAGE RECIPIENT

Ms. ESHOO. Mr. Chairman, this year marks the 50th anniversary of the publication of John F. Kennedy's book ''Profiles in Courage.''

Last Thursday, one of our colleagues was chosen as the recipient for this year, the 50th anniversary of President Kennedy's book ''Profiles in Courage,'' as the Profile of Courage in the year 2006.

Our distinguished colleague, Congressman JOHN MURTHA, is the recipient in 2006. We want to pay tribute to Congressman JOHN MURTHA as the recipient of the John F. Kennedy Profiles in Courage Award recipient.

Congratulations, JACK.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, reduced-time voting will continue.

There was no objection.

The Chair reminds Members this 5-minute vote will be followed by three 2-minute votes.

AMENDMENT OFFERED BY MR. SABO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. SABO) 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 Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 210, not voting 14, as follows:

[Roll No. 56]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
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 (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hayworth
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
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy

McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Shadegg
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
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)
Young (FL)

NOT VOTING—14

Boren
Buyer
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Johnson (CT)
Knollenberg
Miller (FL)
Scott (VA)
Sensenbrenner
Strickland
Sweeney

□ 1508

Mr. GARRETT of New Jersey changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN (Mr. FOLEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) 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 Acting CHAIRMAN. This will be a 2-minute vote. Recorded votes on the remaining questions in this series will be conducted as 2-minute votes. Members are asked to remain in the Chamber. Members also should be aware that they can greatly expedite the process by recording their votes electronically at the voting stations rather than by ballot card in the well.

The vote was taken by electronic device, and there were—ayes 89, noes 332, not voting 11, as follows:

[Roll No. 57]

AYES—89

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Burgess
Buyer
Camp (MI)
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kuhl (NY)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKinney
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Norwood
Nussle
Osborne
Otter
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shuster
Sodrel
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Westmoreland
Young (AK)

NOES—332

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney

Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Knollenberg
Scott (VA)
Sensenbrenner
Strickland
Sweeney

□ 1512

Mr. ROTHMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) 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 Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 11, as follows:

[Roll No. 58]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
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 (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
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
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
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
Gohmert
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 (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
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
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Knollenberg
Scott (VA)
Sensenbrenner
Strickland
Sweeney

□ 1516

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY). Twenty seconds remain in this vote.

Mr. MARKEY 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. CONAWAY

The Acting CHAIRMAN (Mr. FOLEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CONAWAY) 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 Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 342, not voting 14, as follows:

[Roll No. 59]

AYES—76

Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Campbell (CA)
Cantor
Chabot
Coble
Conaway
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, M.
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gutknecht
Harris
Hefley
Hensarling
Herger
Hostettler
Hunter
Inglis (SC)
Johnson, Sam
King (IA)
Kingston
Kolbe
Linder
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Pitts
Price (GA)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shimkus
Tancredo
Thornberry
Tiahrt
Wamp
Westmoreland
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert

Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Istook
Knollenberg
Peterson (PA)
Pickering
Scott (VA)
Sensenbrenner
Strickland
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Fifteen seconds remain in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KNOLLENBERG: Mr. Chairman, on March 16, 2006, I was unavoidably absent and missed rollcall votes 55–59. For the record, had I been present, I would have voted: No. 55—"yea"; No. 56—"nay"; No. 57—"nay"; No. 58—"nay"; 59—"nay."

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The Committee resumed its sitting.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE) for the purpose of a colloquy.

Mr. KOLBE. Mr. Chairman, I appreciate the chairman of the full committee for yielding to me for purposes of this colloquy. I would like to engage in a colloquy with the gentleman from California (Mr. ROYCE).

I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, this goes to the issue of $50 million in economic support funds for Liberia. What I wanted to say, on this issue, is that the United States has been very generous with Liberia. We have committed nearly $1.5 billion, and that includes the funding for U.N. peacekeeping, and of course President Bush deployed U.S. Marines in Liberia to end the fighting there. My concern is that the former Liberian President, Charles Taylor, frankly, is first among warlords. He faces a 17-count indictment by the U.S. backed Special Court for his crimes against humanity, and yet he is living in cushy exile in Nigeria.

This is a problem on several counts. Taylor must face justice for the killing and maiming that he engineered. Bringing him to the Special Court will end the cycle of impunity that destabilizes West Africa, and most pressing to today's business, Taylor remains a threat to the progress that the U.S. has done so much to achieve. It is probable that left in exile, Taylor will return to Liberia, as he has pledged to do, and knock over all that we have helped build up, throwing that region back into chaos.

Congress passed a resolution calling for Taylor to be sent to the Special Court. Yesterday, Liberia's new President addressed this Congress. She had an inspiring message. But what many human rights and civil society groups were hoping to hear was a loud and clear call for Taylor to be turned over to the court now before it is too late. While Taylor is in Nigeria, Nigeria's president has said he would honor an extradition request made by Liberia's new president. We are waiting for that request.

This bill would tack on an added $50 million in emergency spending for Liberia. I am worried about the message this sends about our seriousness of purpose regarding Charles Taylor. We continue our generosity, yet the Liberian president continues to defy the wishes of many Liberians by not acting to bring Charles Taylor to justice.

So, Mr. Chairman, I considered offering an amendment to strike or condition this $50 million. What I seek instead is to hear from you on this issue.

Mr. KOLBE. I thank the gentleman for his comments, and I particularly thank him for his longstanding effort on behalf of West African nations and the people of West Africa, and certainly Liberia. I share his concern about a long lasting peace for Liberia, as I know all in this body do, and we also share the concern that Charles Taylor represents a threat to everything that the United States is trying to accomplish through its aid efforts and its commitment of troops to bring about peace and stability in Liberia.

I will tell the gentleman as this process unfolds, the committee has been and will continue to closely monitor developments with Charles Taylor.

I think I have some good news I can bring to the gentleman. Just before this series of votes, Mrs. LOWEY, my ranking member, and I completed a meeting with President Sirleaf, who, of course, addressed this body yesterday. We asked this question specifically, will there be an extradition request? I asked it three times, and got the same answer three times, that it has been done. She used the word ''done'' three times. So the request for extradition has been done. We believe and she has said that he needs to be brought to justice in an appropriate court.

So the request to the President of Liberia has been made. She went on to tell us that President Olusegun is now consulting with African leaders from the African Union and the Economic Community of West African Countries, ECOWAS, to make sure that the extradition will not in any way destabilize