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Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
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Ryan (OH)
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Ryun (KS)
Sabo
Sanchez, Linda T.
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Schiff
Schrock
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Pastor
Reyes
Shays
Towns
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1134

Mr. FRANKS of Arizona and Mr. PEARCE changed their vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KLINE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. TAUZIN. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3161 is as follows:

H.R. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL DO-NOT-CALL REGISTRY.

(a) AUTHORITY.—The Federal Trade Commission is authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to implement and enforce a national do-not-call registry.

(b) RATIFICATION.—The do-not-call registry provision of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.

The SPEAKER pro tempore. Pursuant to the order of the House, Wednesday, September 24, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, welcome to Groundhog Day, courtesy of a misguided court decision, soon to be overthrown, I believe, were we not acting today, but one that jeopardizes one of the most consumer-friendly regulations ever to come out of Washington in a long time. Just several months ago, President Bush signed the Do-Not-Call Implementation Act into law. That law authorized the funding of the Federal Trade Commission's National Do-Not-Call registry, a concept so embraced by consumers in America that 50 million Americans have now signed up to be on that list since then. And, Mr. Speaker, Congress passes a law, and an agency then implements it. Nothing wrong, right? Wrong. One can imagine our surprise when we found out yesterday morning that a Federal court in Oklahoma, not California, Oklahoma, invalidated the FTC's do-not-call registry. And even more surprising was the judge's basis for the decision. He found the FTC did not have the statutory authority to create a national do-not-call list.

Nothing could be further from the truth. As I mentioned in February of this year, Congress passed the Do-Not-Call Implementation Act. Obviously, Congress would not have funded something that it thought was unauthorized. Indeed, back in 1994, Congress passed the Telemarketing Fraud and Abuse Prevention Act, which gave the FTC power to regulate abusive telemarketing practices. Certainly, allowing consumers to sign up for a do-not-call list, to essentially opt out of an abusive telemarketing practice, is well within the mandate given to the FTC.

Make no mistake. The judge in this case is dead wrong, and I am sure his decision will, in turn, be overturned. In an abundance of caution, however, and I make perfectly clear to any and all who may have doubts, today we consider H.R. 3161. This bill specifically authorizes the FTC to create a national do-not-call list and explicitly ratifies the FTC's actions over the past year to implement that list. We should probably call the bill ''This Time We Really Mean It Act'' to cure any myopia in the judicial branch.

The bill leaves no doubt as to the intent of Congress. The FTC wants this list. The President of the United States wants this list, and more importantly, 50 million Americans, who are growing impatient about being interrupted at mealtime by unwanted and unnecessary harassing telemarketing calls,

want this list. And this Congress is going to make sure they have this list today.

Every consumer should have the right to choose whom they want to talk to. We allow consumers to opt out of junk mail. All they have to do is go down to the post office and tell the Postal Service they do not want junk mail coming to their house, and it does not come. They can choose not to answer a knock at the door. They can decide who enters their house and who communicates with them there. Consumers ought to have the power to say ''no'' to unwelcomed and unwanted telemarketing calls. Families ought to have the right to enjoy a little time together at the end of a day and no longer come home to find their answering machines jam filled with telemarketing calls.

Worst of all, they get that call and answer it, and there is nobody there. These new devices that rotary dial three, four, five, maybe 20 people at a time and the first one who answers, they hang up on all the rest, those are the worst to me. Americans are signing up to end that kind of abusive practice, and we need to give the FTC clear authority.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on our committee and the dean of our House, because he and I have promised to do everything in our power to make sure that the do-not-call list becomes a reality, and he is here with me today to make sure we pass this bill.

Less than 1 week from today, on October 1, 2003, we hope to give Americans access to precisely what they have been asking for, a national do-not-call list, and today we are effectively hanging up on the telemarketers who have been bothering me at that precious hour of the day.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, unwanted telemarketing calls are less popular than a skunk at a church picnic, and they are more persistent and obnoxious than athlete's foot. Today we are going to bring them under control at the request of the American people.

In 1994 this body passed the Telemarketing Act to protect consumer privacy and to curb abusive and abrasive telemarketing. Through that law, the Federal Trade Commission created a national do-not-call registry, and over 50 million American consumers have registered their numbers on that list. They do not want to be called.

Earlier this year, I introduced the Do-Not-Call Implementation Act with my dear friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee. That bill was passed by both Chambers by an overwhelming majority. It provided necessary funding so that the do-not-call list could go into effect on time. It also was said in the hearings by the Federal Trade Commission that no additional authority was needed by that body to issue this do-not-call list.

Well, the telemarketers are back. Despite our previous efforts, an erroneous decision made in Oklahoma agreed with the Direct Marketing Association that we did not give the Federal Trade Commission authority to create the list. That decision was in remarkable error, and we are today going to overrule it.

Last night I, once again, in concert with my distinguished friend and the chairman of the Committee on Energy and Commerce, introduced legislation to settle this question for good and all. That legislation is now before us. It unequivocally states that the FTC is authorized to create and to enforce a national do-not-call registry, and it officially ratifies the existing list.

I commend and congratulate my friend, the gentleman from Louisiana (Mr. TAUZIN), the chairman, for his splendid work on this matter. I urge my colleagues to vote for that legislation.

The registry is scheduled to go into effect in less than one week. And we are here to make sure that it stays on schedule. I encourage my colleagues in both Chambers to pass this legislation swiftly. And I hope the President will heed the call of consumers and sign this legislation into law.

Mr. Speaker, 50 million Americans cannot be wrong. They want this legislation, they deserve no less. I urge my colleagues to enact the legislation.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY), and I ask unanimous consent that he may be permitted to yield time on behalf of this side of the aisle. He has had much experience with this and has been a great leader in the matter.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the time of the gentleman from Michigan.

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation that fixes Judge Lee R. West's decision of earlier this week. I have the phone number for Judge Lee R. West. I thought maybe the 50 million folks that have decided to call the FTC and say enough is enough, maybe we ought to pass on this phone number to his office in Oklahoma. I do not know that they would get anything done for the next couple of weeks.

Mr. Speaker, I rise in strong support. And I do not know of a family out there that has not received these awful phone calls, usually at some important moment. I can remember earlier this summer, I was finally home from a long day, and my wife and kids are ready to go with their friends down to Lake Michigan, my dog is wagging his tail. That is one of the words that he knows, ''beach.'' He is so excited. The phone rings. It is a solicitation call from a good group, I am sure. My wife has it down pat. Do you know what she does? ''It is for you.'' I get to the phone, and I have got to make sure they are not from our district, and then with that, that phone call is gone.

Mr. Speaker, 50 million folks like our house have called the FTC. When you look at it, that is 50 percent of America. We have about 100 million households, so 50 million households have said hang up. We do not want this. And, yet, Judge Lee R. West, I cannot say a good guy, a guy out in Oklahoma, has said no.

This legislation changes it. We are going to get it done. Let us all vote for this bill.

□ 1145

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, we had a very unfortunate ruling in Oklahoma City, one that we are going to undo today.

This reminds me a lot about back in the days before I was in Congress. I was in the insurance business, and we used to do a lot of cold calling to make insurance calls. They always told us as they were training us that you had to get nine noes in order to get a yes; but if you kept calling, that every time a person said no to you, not to lose faith, because you were one step closer to the yes.

So today we are doing a tremendous favor for the telemarketers in America, something that I wish they had done for me when I first started in the insurance business. We are giving them the list of the noes up front, so they do not have to make these nine calls to get a yes. We are telling them up front the people that do not want to talk to them, and now all they have to do is call the people that want to hear from them, that want to buy their products.

I think it is a wonderful thing which we do today for the telemarketers, and it is a wonderful thing we do for the 50 million Americans that do not want to have to pick up that phone at dinnertime.

Mr. MARKEY. Mr. Speaker, I want to associate myself with the excellent comments and argument of the gentleman from Pennsylvania.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. BUYER. Mr. Speaker, yesterday, the U.S. District Court for the Western District of

Oklahoma ruled that the Federal Trade Commission did not have the authority to create a national ''do-not-call'' registry.

While the Court can and did make legal arguments to support its ruling, what it cannot and should not deny is the will of the people. And the will of the people when it comes to a national ''do not call list'' is strong and vigilant.

Since June, when the registry was first opened, over 50 million phone numbers have been submitted to the FTC registry. People are simply fed up with telemarketers interrupting their meals by offering vacations or more credit cards.

In my home state of Indiana, almost 1.5 million phones are registered for the Telephone Privacy program. That represents almost 58 percent of our state, meaning that 3.5 million Hoosiers have chosen to reduce unwanted telemarketing calls. A survey in Indiana found that those on the Indiana Telephone Privacy list had their calls reduced from an average of twelve per week to only one per week. Indiana's Telephone Privacy law works.

One important feature of the Indiana law is that it contains very few exemptions. In fact, Indiana's law has fewer exemptions than the FCC and FTC rules.

While we have permitted these agencies to provide more exemptions on the Federal level, it must be made clear that Congress does not intend to interfere with statutes, like Indiana's, that choose to tighten these loopholes. Indeed, efforts like Indiana's that inspired the Federal ''do not call'' program, demonstrate the critical role that States can play in achieving creative solutions to serious problems. Such efforts should not be discouraged.

It is my understanding that Congress has no intention of preempting State laws that provide protections greater than those provided by our Federal ''do not call'' program. Furthermore, I also understand that Congress has no intention of permitting the FCC or FTC to preempt, by regulation or otherwise, State statutes that provide greater protections than the Federal ''Do Not Call'' program provides.

The FCC and FTC should be reminded that the mandate from Congress is create a ''do not call'' program that provides a nationwide minimum standard of protection for all Americans. States that choose to exceed that standard should in no way be prohibited from doing so.

I am pleased by the swift action of the Chairman and Ranking Member of the Energy and Commerce Committee. H.R. 3161 will allow the will of the people to prevail in light of the judicial interference from yesterday.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again emphasize this is extraordinary. The court decision came out yesterday. The leadership of this House authorized this bill to the floor today. We are about to pass this bill, I believe the Senate is about to do the same thing, and, in all likelihood, we will have a bill on the President's desk this afternoon.

This Congress has often been called a slow and cumbersome beast, but I think you can see how fast this Congress is prepared to move when 50 million Americans are angry, and I cannot imagine more anger now, when 50 million Americans found out the national do-not-call list was put in jeopardy by a single judge in Oklahoma somewhere.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the ranking member on the Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection, which has jurisdiction over the Federal Trade Commission.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time, but, more importantly, today I thank him for his nearly decade-long leadership on this issue.

Mr. Speaker, I rise in strong support of this bipartisan legislation. I want to thank the gentleman from Louisiana (Chairman TAUZIN) and the full committee ranking Democratic Member, the gentleman from Michigan (Mr. DINGELL), for their outstanding leadership in quickly advancing this pro-consumer legislation.

Yesterday's decision by the Federal District Judge blocking the FTC from implementing its national do-not-call registry was, I believe, incorrect. Earlier this session we passed the National Do-Not-Call Implementation Act with overwhelming bipartisan support. The new law explicitly gave the FTC the authority to collect fees and create a national do-not-call list.

I am actually confident that the court's decision would have eventually been overturned on appeal. But, fortunately, we are not waiting for that process to occur. Today we are removing any uncertainty about Congress' intent. With the passage of this legislation, the Federal Trade Commission will be able to add more people to their list, and they will be able to implement its do-not-call registry without interruption or delay.

Mr. Speaker, we all appreciate the very precious time that we have at home with our families after a long day at work, but who has not been interrupted by an unwanted telemarketer? We all know from personal experience how intrusive these calls can be.

I think it is important to note that it will not block the calls from companies with whom you already do business. I received a telemarketing call from a credit card company offering me a deal that could lower my rate, et cetera. I was happy to get that call, and we actually made that change. Those calls will be able to continue.

But we all know the calls. My last name is ''Schakowsky.'' My key is when they say, ''Is Mrs. Schakowsky home,'' or all kinds of funny names, I just say ''no,'' and hang up. We all have our strategies for dealing with those.

Mr. Speaker, I urge all of my colleagues to support this pro-consumer legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the senior gentleman from New Jersey, (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today as a cosponsor and strong supporter of the chairman from Louisiana's bill and commend him for taking swift action against the ruling of the District Court in Oklahoma City.

Over the years through my Know-Your-Caller Act, I have worked with the gentleman from Louisiana (Mr. TAUZIN) and the FTC to bring consumers greater protection from the many unwanted annoying calls that telemarketers placed at all hours of the day and night, seven days a week. These calls are an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older American senior citizens.

The FTC, Congress, and the American consumers have got it right, and this district court has got it completely wrong. This is the most incorrect and outrageous ruling I have seen in a long time. It is a direct shot at every consumer. Millions of them have registered to get their names on the list, who receive these annoying calls during dinner with their families, in the middle of the night, and then again early in the morning.

Mr. Speaker, I support this bill, and commend the chairman for his leadership and quick action.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me time.

As a member of the Committee on Energy and Commerce and as a cosponsor of this bill, I really want to thank the judge. We ought to have more court rulings like this, because I have never seen one that brings this Congress closer together the whole year. This has often been a contentious Congress that clashes on issues. Here everyone agrees. I want to thank the judge for making us all love each other.

We do it because 50 million Americans have signed up to not be bothered by telemarketers. That is a phenomenal amount of people in a very short time. So if there was ever an issue on which everyone agrees, this is the issue.

Everyone has been bothered at the dinner table with these annoying calls. This morning as I was leaving to come here to the Capitol, the phone rang. I picked it up, and there it was, another telemarketer asking kind of sneaky questions, intrusive questions, trying to get you to give them some information in a very sneaky way. People are just fed up with it.

There are no first amendment rights here. All of the things that have been said about why this law should be blocked are ridiculous. Again, in all my years in Congress, I have hardly ever seen anything with which everyone agrees.

So, again, I want to thank the judge for bringing us together. I rise in strong support of the legislation, and as a cosponsor, I commend the chairman of our committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). That is why this is such a great committee; we all agree on so many important things.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to

do something very unusual on the House floor. As the gentleman from Massachusetts (Mr. MARKEY) knows, every now and then, we are accused of voting for bills we have not totally read. I am going to read the whole bill.

I want all the judges of America to pay close attention. I want you to tune in good. Turn up the volume a little bit and turn off your telephone and listen real carefully, because I am going to read the whole bill to you. Every judge in America, here it comes:

''(a) AUTHORITY. The Federal Trade Commission is authorized under section 3(a)3(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(A)(3)(A)) to implement and enforce a national do-not-call registry.''

Do you hear me? To implement and enforce a do-not-call registry.

''(b) RATIFICATION. The do-not-call registry provision of the Telemarketing Sales Rule, (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.''

Did you hear me, judges? Ratified.

When this bill passes today, when the Senate does the same thing, none of you judges ought to have any doubt. We really mean it, do you understand? We really mean it. We want the national do-not-call list to become law on October 1.

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

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for this bill, and I rise in strong commendation for the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and for our ranking member, the gentleman from Michigan (Mr. DINGELL).

The gentleman from Louisiana (Mr. TAUZIN) has brought this bill out at such a rapid pace that I believe that this legislation has set the Congressional land speed record for legislating in the aftermath of a terrible Oklahoma court decision, and I want to congratulate the gentleman from Louisiana. I think this record, like Roger Bannister's breaking of the four-minute mile, will be viewed as a landmark for all future legislation in the history of our country.

This legislation got to the House floor faster than a consumer can hang up on a telemarketer at dinner time. I mean, the gentleman just did a phenomenal job in ensuring that we are able to protect the American people, because we need this bill in order to ensure that by Christmastime, the only ringing bells consumers will hear are jingle bells and sleigh bells, not the jangling phone ruining people's family holidays.

Now, if we do not pass this legislation, the judge in Oklahoma will have to put his own courthouse phone number on a do-not-call list, because he will have millions of phone calls from complaining Americans demanding that this decision be reversed. So we are doing the judge a big favor today. We are saving him from the same headache that tens of millions of Americans feel that they are subjected to on a daily basis by the phone calls that come into their homes on an unwanted basis.

What is our purpose? The gentleman from Louisiana, the gentleman from Michigan, all the Members of Congress, all we are trying to do is to make the Direct Marketing Association, these telemarketers, more efficient. How efficient is it to know exactly who is receptive to your hundreds of calls a year than for us to put together a list for you of all of the people in America who want to get these calls?

Now, I do not happen to be one of them. I actually signed up at 12:01 a.m. on the first day that it was available to end these calls coming in to my own home, personally, and I threw my cell phone in as well. Those 50 million other phone numbers that are on that list, I was trying to be number one in that land speed race to end it once and for all.

What we have got now on our hands is, in my opinion, a very efficient telemarketing industry, one which can now use their huckster sales pitch to address just those Americans who kind of enjoy having people call them at all hours of the day, and we know there are people out there that really do like it.

If a salesman comes to your front door and knocks on the front door, you do not have to answer. That is your way of dealing with them. But if someone calls you on the phone, that phone just keeps ringing until you have to answer it. That is the difference between a door-to-door salesman and someone who calls you on the phone. That person can ruin your supper, can ruin your day. So this do-not-call database proposal is a winner for the millions of consumers who are plagued by those unsolicited commercial telemarketing calls.

The bill which we consider today permits the FTC to proceed on a timely basis, so that by October 1, consumers can begin to see a reduction in unwanted telemarketing calls.

Having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country have clearly voted in favor of signing up for the database, indicating by the millions that they want an effective ''no soliciting'' sign on their home phone or cell phone.

□ 1200

They want this national database to help to bring a halt to the seemingly nightly ritual of phone calls, interrupting dinner or precious family time.

I am pleased to be an original cosponsor of this bill with the gentleman from Louisiana (Chairman TAUZIN). Again, I want to commend the chairman for his alacrity in bringing this bill to the floor so soon after the court decision. He and the gentleman from Michigan (Mr. DINGELL) and all of the Members who worked on this and the staff who worked on this overnight deserve an enormous amount of credit.

Finally, I want to commend FTC Chairman Timothy Muris for his pro-consumer action in creating the Federal Trade Commission do-not-call rules. This do-not-call database will be a powerful new tool for consumers to combat unwanted telemarketing intrusions. It is a landmark day in the history of consumer legislation in our country. Tim Muris deserves a lot of credit, the rest of the FTC, the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and all of the other Members.

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

Mr. TAUZIN. Mr. Speaker, let me thank my friend from Massachusetts for his compliments and, most importantly, for his extraordinary long-standing support for actions to protect consumers in America, and this is just one more step in that direction.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of our committee.

Mr. WALDEN of Oregon. Mr. Speaker, as a cosponsor of H.R. 3161, I stand here today to express my strong opposition to yesterday's decision by the U.S. District Court in Oklahoma.

As of September of this year, 16 percent of all Oregonians, that is 541,117 citizens, have made the decision to be on the do-not-call list; 16 percent. These citizens have expressed their rights to uninterrupted free speech at the dinner table and the breakfast table and the lunch table, and the middle of the night.

Earlier this year, I received a call from Mr. Chad De Gennaro of Grants Pass, Oregon, that best summarizes the frustration that I think all of us have felt after getting these unsolicited phone calls in our homes when we did not want them. Chad said, ''As only one person, I cannot single-handedly defend myself against telemarketing companies with banks of telephones and hundreds of phone solicitors. No matter how many times I say that I do not want to be called again, sure enough, I wind up getting called again, and at all times of the day.''

Mr. Speaker, 541,117 Oregonians looked to the Federal Government, to us, to protect them from these unsolicited phone calls and trusted that this list would allow them some peace and quiet in their homes. That is what the FTC's list would have provided on October 1.

Here in Congress, we understood from the FTC that they had the authority to prepare and implement this list. The FTC believed they had the right to create this list; and more importantly, the

citizens of Oregon and across America knew and believed that the FTC was going to protect them by implementing this list and this legislation. Only the U.S. District Court of Oklahoma thought otherwise.

Mr. Speaker, I join my chairman and my colleagues on both sides of the aisle today in support of this legislation. I appreciate the quick action of our chairman, the gentleman from Louisiana (Mr. TAUZIN), in moving this bill forward so that we can protect ourselves from calls we do not want coming into our phones and into our homes.

Mr. MARKEY. Mr. Speaker, I have no other requests for time to speak on this important bill, so I will continue to reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I applaud his stunningly quick action with alacrity to speak on behalf of the elected representatives of the American people on this subject.

Mr. Speaker, one unelected Federal judge in Oklahoma took it upon himself to strike down a law passed by Congress, actioned by the executive branch, and two appropriations acts, and the action of 40 million Americans to sign a do-not-call registry. Never in history has so much been screwed up by such a small number of people: one judge.

Protecting telemarketers under the first amendment is like protecting the classroom bully who insists that it is his first amendment right to harass all of the other children in class. I think the judge in this case has wondered if the Congress has been clear in this case. Well, Congress is going to be blisteringly clear; and we are going to follow this up, if this bill does not pass the Senate quickly, with appropriations action to make sure that in this Congress, in this year, we keep the do-not-call registry online, that we do not force any other Americans to reregister, that we keep those who signed up on the list, and that we protect that sacred zone of privacy in Americans' homes so that they can have dinner with their wives and kids and not be harassed by these calls.

Mr. Speaker, I applaud the ranking member and the chairman for this quick action, and I urge rapid adoption of this legislation.

Mr. MARKEY. Mr. Speaker, with compliments to the gentleman from Louisiana (Chairman TAUZIN) and to the gentleman from Michigan (Ranking Member DINGELL), and to all of the Members who worked on this legislation, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

In summation, let me again thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) for their extraordinary bipartisan cooperation in moving this as rapidly as we have. It is the sort of cooperation we always seem to get from our members on both sides of the aisle on the Committee on Energy and Commerce when we have a problem that clearly faces our country that is neither Democrat nor Republican, but is American. This is an American problem, and we are solving it as Americans in this House, and that is always a proud moment in this House when that occurs. I want to thank my colleagues for all of the courtesies and the help that we have gotten in moving this legislation forward.

The gentleman from Massachusetts (Mr. MARKEY) was correct in complimenting the chairman of the FTC, Mr. Muris. I want to also join in that compliment. The Federal Trade Commission, as the gentleman knows, took on what the FCC would not take on. We had originally given this authority to the Federal Communications Commission which declined to put together a national do-not-call list. Mr. Muris and the Federal Trade Commission decided to go forward with it with our help. So we authorized the money for them to proceed with the list. Only this judge seems to want to stand in the way of it, and this Congress now makes it very clear today that we want to give Americans this right.

I want to make a public apology. These harassing phone calls that come to us in the middle of the precious time we have with our family have gotten to a point of, I know, such aggravation that some of us react very badly to a call we get at a most inappropriate moment, and sometimes we are pretty ugly to a telemarketer who is bothering us or interrupting us. I hung up on the Ambassador's wife from Norway one day, thinking she was a telemarketer. She belongs to an international club with my wife, and we had to make great apologies afterwards because I thought I was being harassed by a telemarketer. Those sorts of things ought not happen in America. We ought not be caught in these awful circumstances where we are so aggravated that we are impolite to someone as important as an Ambassador's wife who was trying to make a call to my wife, and I apologize both to my wife and to her again publicly for my impatience.

But Americans are impatient, and they are tired of this kind of problem, and they want it fixed; and this legislation will fix it today. We have heard some of the passion on this floor. The passion that we feel about this issue is the passion that Americans feel about this issue. When 50 million Americans sign up as fast as they have, that tells us how passionately Americans feel about a national do-not-call list, and it is time to be implemented.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I want to commend the chair for his rapidity in bringing this to the floor. I just want to say there is total bipartisan agreement that Americans are sick and tired of having their dinners interrupted by these calls, and today that is going to stop.

I just want to answer the people who have raised freedom-of-speech issues here, which I do not believe apply to this, because there is also a freedom not to listen. What we are saying today is Americans have the right not to listen to these telemarketing calls. This is in the finest tradition of the Constitution which said we, the people, in order to assure the common defense and assure domestic tranquility, and we are standing up for domestic tranquility today. This is a good day to do it.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. In fact, we have been asked so many times, is this a free-speech issue. The United States Constitution gives you the right to speak; it does not give you the right to be heard. None of us have an obligation to listen if we do not want to. As a courtesy, we listen to one another in this House, hopefully we do, but nobody has an obligation to listen. The fact that Americans have the right not to be bothered by some speech they do not want to listen to is a right we ought to protect too. That is what we do today.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I just want to ask the chairman if, after he hung up on that Ambassador's wife, if he still got the pocket fisherman or the ginsu knife, if they still might have sent that along.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I can only tell the gentleman it was an embarrassing moment and, again, I apologize to both of them. But the gentleman knows we have heard this bill in committee, and he knows how absolutely aggravated people get with these calls. They seem to come at the worst moment. When you are just leaving the house, you are trying to get everything in the car and the phone rings, it could be your mother calling, your daughter, your son, somebody important; and you rush back in and it is one of these doggone calls. They always come at the exact wrong moment. I am not saying telemarketers are bad people. There are many good telemarketing firms, and for folks who want to receive these calls and take advantage of them, they will have that right under the bill. But it is just going to end the ones we do not want, the ones that aggravate us to the point where we do something as stupid as I did, for which I have apologized today a few times.

Mr. HOLT. Mr. Speaker, the Do-Not-Call Registry was crafted as a balance between

the rights of businesses to market their products and the right of consumers to avoid unnecessary harassment. Today, due to a judicial decision, we are back here on the House floor to reaffirm the validity of the registry.

Telemarketers have, like everyone else in this country, the right to free speech. They have the right to say what they want. What they don't have is the right to force Americans to listen to their sales pitches.

Americans, on the other hand, should have the right to a little peace and quiet. They should have the right to not have to get unwanted advertising pitches over the phone during dinnertime.

Telemarketers already have the tools they need to exercise their right to free speech—they have autodialing computers, prerecorded messages, phone registries, and legions of operators. In creating the Do-Not-Call Registry, the FTC was merely trying to provide consumers with the power to truly exercise this right. The Do-Not-Call Registry is just one simple, effective tool that will give consumers the ability to exercise their right to a little peace and quiet.

Unfortunately, Judge Lee R. West of the Western District of Oklahoma recently ruled that Congress did not give the FTC explicit authority to create the do-not-call list. Of course, Judge West has the right to make that ruling, if he thinks that is the correct interpretation of the law. Congress then has the responsibility to clarify that it has indeed given the FTC authority to protect consumers by creating the registry, as we are doing today.

While I strongly support the continued implementation of the Do-Not-Call Registry, I should mention that the FTC left some loopholes. If you've bought, leased, or rented something from a company in the past 18 months, they can still call you until you say, ''Stop.'' They can also call you if you've applied or inquired with them over the past three months—even something as mundane as asking for a store's hours.

Telemarketers have jumped to these loopholes, showing the lengths that many of them will go to in order to call people during dinnertime with unwanted ads. The FTC should revisit its rules and see if these loopholes can be closed.

Even still, it's critical that we reaffirm the validity of the do-not-call list. I want to commend Chairman TAUZIN, Ranking Member DINGELL, and all the members of the Energy and Commerce Committee, for bringing this clarifying legislation to the floor. I'm sure my constituents will be pleased to see this body reacting so quickly.

I urge all of my colleagues to vote for this bill so it can be signed into law and we can avoid delaying implementation of the do-not-call list.

Mr. STUPAK. Mr. Speaker, I am pleased that Chairman TAUZIN and Ranking Member DINGELL have moved so quickly to address this week's decision by the Federal district court in Oklahoma that the FTC did not have authority to implement the national Do Not Call list.

It is not often that we can move forward with such speed in a bipartisan manner in both bodies, but this action only proves that Congress intends this list to go into effect, despite what Judge West in Oklahoma may think.

This list was to have gone into effect on October 1, and millions of consumers were looking forward to getting some relief from telemarketers.

I am somewhat amazed by the decision of the court, given that Congress clearly expressed its intent to provide the FTC with the authority to implement the list by passing the Do Not Call Implementation Act.

I do not know how much more clear we could have been—we gave the agency funding to set up the list, but yet the court managed to find that no authority existed from Congress.

This bill will make things clear, and I am pleased at this quick response to the ruling. I am a cosponsor of this bill and look forward to its quick passage.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this legislation to clarify that Congress specifically authorizes the Federal Trade Commission to establish a Do Not Call Registry.

During debate last year on the Do Not Call Registry, I had initially preferred that Congress enact even stronger language.

But, in voting for the registry, I never thought that the language we enacted wouldn't be sufficient enough to withstand judicial review.

Mr. Speaker, the people have spoken.

They want the power to reduce the number of annoying telemarketing calls that too often interrupt the precious, yet increasingly limited, time that they spend with their families.

The response has been tremendous

I've joined over 50 million Americans who have already signed up for the registry, and it hasn't even gone into effect yet.

The Do Not Call Registry is a popular consumer protection tool that needs to be implemented.

The FTC has moved swiftly on behalf of consumers, and we should do the same.

If the FTC needs this specific authority, then let's pass this bill today, get it to the President and make sure that there is no disruption in the FTC's ambitious timeline to make the Do Not Call Registry a reality for millions of American consumers.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Wednesday, September 24, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

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

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

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on H.R. 3161 will be followed by 5-minute votes on the motion to instruct on H.R. 1, by the yeas and nays; and the motion to instruct on H.R. 1588, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 8, not voting 14, as follows:

[Roll No. 521]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Bishop (UT)
Cannon
Flake
Meek (FL)
Paul
Ryan (OH)
Strickland
Terry

NOT VOTING—14

Bishop (GA)
Gephardt
Gibbons
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Nadler
Pastor
Pombo
Reyes
Shays
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1233

Mr. TERRY and Mr. RYAN of Ohio changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BISHOP of Georgia. Mr. Speaker, on rollcall No. 520 and 521, had I been present, I would have voted ''aye.''

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Wisconsin (Mr. KIND), on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 199, nays 220, not voting 15, as follows:

[Roll No. 522]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Gephardt
Gibbons
John
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Maloney
Markey
McCollum
Nadler
Napolitano
Pastor
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 522, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained due to committee business and missed 2 votes. Had I been present, I would have voted: 521—''yes'' and 522—''no.''