

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 191, not voting 7, as follows:

[Roll No. 328]

YEAS—237

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

NAYS—191

Abercrombie	Baldwin	Bishop (NY)
Ackerman	Ballance	Blumenauer
Allen	Becerra	Boswell
Andrews	Bell	Boucher
Baca	Berman	Brady (PA)
Baird	Berry	Brown (OH)

Brown, Corrine	Jackson-Lee	Pallone
Capps	(TX)	Pascrell
Capuano	Jefferson	Pastor
Cardin	John	Payne
Carson (IN)	Johnson, E. B.	Pelosi
Carson (OK)	Jones (OH)	Pomeroy
Castle	Kanjorski	Price (NC)
Clay	Kaptur	Rahall
Clyburn	Kennedy (RI)	Rangel
Conyers	Kildee	Reyes
Cooper	Kilpatrick	Rodriguez
Costello	Kind	Ross
Cramer	Kleczka	Rothman
Crowley	Kucinich	Roybal-Allard
Cummings	Lampson	Ruppersberger
Davis (AL)	Langevin	Rush
Davis (CA)	Lantos	Ryan (OH)
Davis (FL)	Larsen (WA)	Sabo
Davis (IL)	Larsen (CT)	Sanchez, Linda
DeFazio	Lee	T.
DeGette	Levin	Sanchez, Loretta
Delahunt	Lewis (GA)	Sanders
DeLauro	Lofgren	Sandlin
Dicks	Lowe	Schakowsky
Dingell	Lynch	Schiff
Doggett	Majette	Scott (VA)
Doyle	Maloney	Serrano
Edwards	Markey	Sherman
Emanuel	Marshall	Skelton
Engel	Matheson	Slaughter
Esho	Matsui	Snyder
Etheridge	McCarthy (MO)	Solis
Evans	McCarthy (NY)	Spratt
Farr	McCollum	Stark
Fattah	McDermott	Stenholm
Filner	McGovern	Strickland
Ford	McIntyre	Stupak
Frank (MA)	McNulty	Tanner
Frost	Meehan	Tauscher
Gonzalez	Meek (FL)	Taylor (MS)
Gordon	Meeks (NY)	Thompson (CA)
Green (TX)	Menendez	Thompson (MS)
Grijalva	Michaud	Tierney
Gutierrez	Millender-	Towns
Harman	McDonald	Turner (TX)
Hastings (FL)	Miller (NC)	Udall (CO)
Hill	Miller, George	Udall (NM)
Hinchey	Mollohan	Van Hollen
Hinojosa	Moore	Velazquez
Hoeffel	Moran (VA)	Visclosky
Holden	Murtha	Waters
Holt	Nadler	Watson
Honda	Napolitano	Watt
Houghton	Neal (MA)	Waxman
Hoyer	Oberstar	Weiner
Inslee	Obey	Wexler
Israel	Olver	Woolsey
Jackson (IL)	Ortiz	Wu
	Owens	Wynn

NOT VOTING—7

Brown-Waite,	McInnis	Vitter
Ginny	Ros-Lehtinen	Young (FL)
Gephardt	Smith (WA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1855

Mr. STRICKLAND and Mr. GUTIERREZ changed their vote from "yea" to "nay."

Mr. BISHOP of Georgia changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 531) to amend title XXI of the Social Security Act to extend

the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program (SCHIP), and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

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

#### SECTION 1. EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.

(a) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(b) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(A) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(B) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004."

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(A) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(B) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(C) in subparagraph (A)(i)—

(i) by striking "or" at the end of subclause (I),

(ii) by striking the period at the end of subclause (II) and inserting "; or"; and

(iii) by adding at the end the following new subclause:

"(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(D) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(E) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(F) in subparagraph (B)(ii)—

(i) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e)."; and

(ii) by striking "2002" and inserting "2004"; and

(G) by adding at the end the following new subparagraph:

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

(ii) the amount specified in this clause for a State is the amount by which the State's

expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii)."

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking "AND 1999" and inserting ", 1999, AND 2000"; and

(B) in paragraph (3)—

(i) by striking "or fiscal year 1999" and inserting ", fiscal year 1999, or fiscal year 2000"; and

(ii) by striking "or November 30, 2001" and inserting "November 30, 2001, or November 30, 2002"; respectively.

(c) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in subsection (b)(1)(B), is further amended—

(A) in the heading, by striking "2000" and inserting "2001"; and

(B) by adding at the end of subparagraph (A) the following:

"(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005."

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in subsection (b)(2), is further amended—

(A) in subparagraph (A), by inserting "or for fiscal year 2001 by the end of fiscal year 2003," after "fiscal year 2002,";

(B) in subparagraph (A), by striking "1999, or 2000" and inserting "1999, 2000, or 2001";

(C) in subparagraph (A)(i)—

(i) by striking "or" at the end of subclause (II),

(ii) by striking the period at the end of subclause (III) and inserting "; or"; and

(iii) by adding at the end the following new subclause:

"(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).";

(D) in subparagraph (A)(ii), by striking "or 2000" and inserting "2000, or 2001";

(E) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following new clause:

"(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and"; and

(F) by adding at the end the following new subparagraph:

"(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allot-

ment for fiscal year 2001 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii)."

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking "AND 2000" and inserting "2000, AND 2001"; and

(B) in paragraph (3)—

(i) by striking "or fiscal year 2000" and inserting "fiscal year 2000, or fiscal year 2001"; and

(ii) by striking "or November 30, 2002," and inserting "November 30, 2002, or November 30, 2003," respectively.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall be effective as if this section had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this section as if this section had been enacted on September 30, 2002.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### 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 on H.R. 531, the bill just passed.

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

There was no objection.

#### MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 299, I call up the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 299, the bill is considered read for amendment.

The text of H.R. 1 is as follows:

#### H.R. 1

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

#### SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA AND SECRETARY; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Prescription Drug and Modernization Act of 2003".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) BIPA; SECRETARY.—In this Act:

(1) BIPA.—The term "BIPA" means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to BIPA and Secretary; table of contents.

#### TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

Sec. 101. Establishment of a medicare prescription drug benefit.

#### "PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860D-1. Benefits; eligibility; enrollment; and coverage period.

"Sec. 1860D-2. Requirements for qualified prescription drug coverage.

"Sec. 1860D-3. Beneficiary protections for qualified prescription drug coverage.

"Sec. 1860D-4. Requirements for and contracts with prescription drug plan (PDP) sponsors.

"Sec. 1860D-5. Process for beneficiaries to select qualified prescription drug coverage.

"Sec. 1860D-6. Submission of bids and premiums.

"Sec. 1860D-7. Premium and cost-sharing subsidies for low-income individuals.

"Sec. 1860D-8. Subsidies for all medicare beneficiaries for qualified prescription drug coverage.

"Sec. 1860D-9. Medicare Prescription Drug Trust Fund.

"Sec. 1860D-10. Definitions; application to medicare advantage and ERF programs; treatment of references to provisions in part C.

Sec. 102. Offering of qualified prescription drug coverage under Medicare Advantage and enhanced fee-for-service (EFFF) program.

Sec. 103. Medicaid amendments.

Sec. 104. Medigap transition.

Sec. 105. Medicare prescription drug discount card and assistance program.

Sec. 106. Disclosure of return information for purposes of carrying out medicare catastrophic prescription drug program.

Sec. 107. State Pharmaceutical Assistance Transition Commission.

Sec. 108. Additional requirements for annual financial report and oversight on medicare program, including prescription drug spending.

#### TITLE II—MEDICARE ENHANCED FEE-FOR-SERVICE AND MEDICARE ADVANTAGE PROGRAMS; MEDICARE COMPETITION

Sec. 200. Medicare modernization and revitalization.

#### Subtitle A—Medicare Enhanced Fee-for-Service Program

Sec. 201. Establishment of enhanced fee-for-service (EFFF) program under medicare.

#### "PART E—ENHANCED FEE-FOR-SERVICE PROGRAM

"Sec. 1860E-1. Offering of enhanced fee-for-service plans throughout the United States.

"Sec. 1860E-2. Offering of enhanced fee-for-service (EFFF) plans.