

Whitfield Wilson (SC) Young (AK)  
Wicker Wolf Young (FL)

NOT VOTING—19

Ballance Hensarling Payne  
Carter Houghton Ruppertsberger  
Davis, Jo Ann Hunter Sweeney  
Deutsch Israel Terry  
Fattah Lewis (GA) Woolsey  
Gephardt Osborne  
Gordon Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

Mr. GUTKNECHT changed his vote from “yea” to “nay.”

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.

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on rollcall No. 509 (H.R. 1308) and rollcall No. 510 (H.R. 1), I was detained in my district touring disaster areas from Hurricane Isabel and trying to obtain help from FEMA. Had I been present I would have voted “no” on both H.R. 1308 (rollcall 509) and H.R. 1 (rollcall 510).

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

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 Texas (Mr. RODRIGUEZ) 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 298, nays 118, not voting 18, as follows:

[Roll No. 511]

YEAS—298

Abercrombie	Boucher	Davis (AL)
Ackerman	Boyd	Davis (CA)
Aderholt	Bradley (NH)	Davis (FL)
Alexander	Brady (PA)	Davis (IL)
Allen	Brown (OH)	Davis (TN)
Andrews	Brown, Corrine	Davis, Jo Ann
Baca	Burton (IN)	Davis, Tom
Bachus	Buyer	DeFazio
Baird	Capito	DeGette
Baker	Capps	DeLahunt
Baldwin	Capuano	DeLauro
Bartlett (MD)	Cardin	Diaz-Balart, L.
Bass	Cardoza	Diaz-Balart, M.
Beauprez	Carson (IN)	Dicks
Becerra	Carson (OK)	Dingell
Bell	Case	Doggett
Berkley	Castle	Dooley (CA)
Berman	Clay	Doyle
Berry	Clyburn	Dreier
Biggert	Cole	Dunn
Bishop (GA)	Conyers	Edwards
Bishop (NY)	Cooper	Ehlers
Blumenauer	Costello	Emanuel
Boehrlert	Cramer	Engel
Bonilla	Crenshaw	English
Bonner	Crowley	Eshoo
Boswell	Cummings	Etheridge

Evans	Levin	Rodriguez	Linder	Pitts	Smith (TX)
Everett	Lewis (KY)	Rogers (AL)	Lucas (OK)	Platts	Souder
Farr	Lipinski	Ros-Lehtinen	Manzullo	Pombo	Stearns
Ferguson	LoBiondo	Ross	McKeon	Ramstad	Tancredi
Filner	Lofgren	Rothman	Mica	Rehberg	Taylor (NC)
Fletcher	Lowe	Roybal-Allard	Miller (FL)	Reynolds	Thomas
Foley	Lucas (KY)	Rush	Miller, Gary	Rogers (KY)	Thornberry
Ford	Lynch	Ryan (OH)	Moran (KS)	Rogers (MI)	Tiahrt
Frank (MA)	Majette	Ryan (WI)	Musgrave	Rohrabacher	Toomey
Frelinghuysen	Maloney	Ryun (KS)	Nethercutt	Royce	Upton
Frost	Markey	Sabo	Neugebauer	Sensenbrenner	Vitter
Gerlach	Marshall	Sanchez, Linda	Northup	Sessions	Wamp
Gilchrest	Matheson	T.	Norwood	Shade	Weldon (FL)
Gillmor	Matsui	Sanchez, Loretta	Nussle	Sherwood	Wicker
Gingrey	McCarthy (MO)	Sanders	Ose	Shimkus	Wilson (SC)
Gonzalez	McCarthy (NY)	Sandlin	Oxley	Shuster	Young (FL)
Granger	McCollum	Saxton	Pence	Smith (MI)	
Green (TX)	McCotter	Schakowsky			
Greenwood	McCrery	Schiff			
Grijalva	McDermott	Schrock			
Gutierrez	McGovern	Scott (GA)			
Hall	McHugh	Scott (VA)			
Harman	McInnis	Serrano			
Hastings (FL)	McIntyre	Shaw			
Hayworth	McNulty	Shays			
Hefley	Meehan	Sherman			
Hill	Meek (FL)	Simmons			
Hinchee	Meeke (NY)	Simpson			
Hinojosa	Menendez	Skelton			
Hobson	Michaud	Slaughter			
Hoeffel	Millender-McDonald	Smith (NJ)			
Holden	Miller (MI)	Smith (WA)			
Holt	Miller (NC)	Snyder			
Honda	Miller, George	Solis			
Hookey (OR)	Mollohan	Spratt			
Hoyer	Moore	Stark			
Hulshof	Moran (VA)	Stenholm			
Inslee	Murphy	Strickland			
Jackson (IL)	Murtha	Stupak			
Jackson-Lee (TX)	Myrick	Sullivan			
Janklow	Nadler	Tanner			
Jefferson	Napolitano	Tauscher			
John	Neal (MA)	Tauzin			
Johnson (CT)	Ney	Taylor (MS)			
Johnson (IL)	Nunes	Thompson (CA)			
Johnson, E. B.	Oberstar	Thompson (MS)			
Jones (NC)	Obey	Tiberi			
Jones (OH)	Olver	Tierney			
Kanjorski	Ortiz	Towns			
Kaptur	Otter	Turner (OH)			
Keller	Owens	Turner (TX)			
Kelly	Pallone	Udall (CO)			
Kennedy (MN)	Pascrell	Udall (NM)			
Kennedy (RI)	Paul	Van Hollen			
Kildee	Pearce	Velazquez			
Kilpatrick	Pelosi	Visclosky			
Kind	Peterson (MN)	Walden (OR)			
King (NY)	Peterson (PA)	Walsh			
Kirk	Petri	Walters			
Kleczyka	Pickering	Watson			
Kline	Pomeroy	Watt			
Kolbe	Porter	Waxman			
Kucinich	Portman	Weiner			
LaHood	Price (NC)	Weldon (PA)			
Lampson	Pryce (OH)	Weller			
Langevin	Putnam	Wexler			
Lantos	Quinn	Whitfield			
Larsen (WA)	Radanovich	Wilson (NM)			
Larson (CT)	Rahall	Wolf			
Latham	Rangel	Wu			
LaTourette	Regula	Wynn			
Leach	Renzi	Young (AK)			
Lee	Reyes				

NAYS—118

Akin	Chabot	Goode
Ballenger	Chocola	Goodlatte
Barrett (SC)	Coble	Goss
Barton (TX)	Collins	Graves
Bereuter	Cox	Green (WI)
Bilirakis	Crane	Gutknecht
Bishop (UT)	Cubin	Harris
Blackburn	Culberson	Hart
Blunt	Cunningham	Hastings (WA)
Boehner	Deal (GA)	Hayes
Bono	DeLay	Herger
Boozman	DeMint	Hoekstra
Brady (TX)	Doolittle	Hostettler
Brown (SC)	Duncan	Hyde
Brown-Waite,	Emerson	Isakson
Ginny	Feeney	Issa
Burgess	Flake	Istook
Burns	Forbes	Jenkins
Burr	Fossella	Johnson, Sam
Calvert	Franks (AZ)	King (IA)
Camp	Gallely	Kingston
Cannon	Garrett (NJ)	Knollenberg
Cantor	Gibbons	Lewis (CA)

Pitts	Smith (TX)
Platts	Souder
Pombo	Stearns
Ramstad	Tancredi
Rehberg	Taylor (NC)
Reynolds	Thomas
Rogers (KY)	Thornberry
Rogers (MI)	Tiahrt
Rohrabacher	Toomey
Royce	Upton
Sensenbrenner	Vitter
Sessions	Wamp
Shade	Weldon (FL)
Sherwood	Wicker
Shimkus	Wilson (SC)
Shuster	Young (FL)
Smith (MI)	

NOT VOTING—18

Ballance	Hensarling	Pastor
Carter	Houghton	Payne
Deutsch	Hunter	Ruppertsberger
Fattah	Israel	Sweeney
Gephardt	Lewis (GA)	Terry
Gordon	Osborne	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

Mr. HULSHOF, Mr. EVERETT, and Mrs. KELLY changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1915

EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

The SPEAKER pro tempore (Mr. PENCE). The pending business is the question of suspending the rules and passing the bill, H.R. 1409.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409, 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 288, nays 127, not voting 19, as follows:

[Roll No. 512]

YEAS—288

Abercrombie	Blunt	Camp
Aderholt	Boehrlert	Cannon
Akin	Boehner	Cantor
Alexander	Bonilla	Capito
Baca	Bonner	Capuano
Bachus	Bono	Cardoza
Baker	Boozman	Carson (IN)
Ballenger	Boswell	Carson (OK)
Barrett (SC)	Boucher	Case
Bartlett (MD)	Bradley (NH)	Castle
Barton (TX)	Brady (TX)	Chabot
Bass	Brown (SC)	Chocola
Beauprez	Brown, Corrine	Clay
Becerra	Brown-Waite,	Coble
Bereuter	Ginny	Cole
Biggert	Burgess	Collins
Bilirakis	Burns	Conyers
Bishop (NY)	Burr	Cox
Bishop (UT)	Burton (IN)	Cramer
Blackburn	Buyer	Crane
Blumenauer	Calvert	Crenshaw

Cubin John  
 Culberson Johnson (CT)  
 Cummings Johnson (IL)  
 Cunningham Johnson, E. B.  
 Davis (AL) Johnson, Sam  
 Davis (TN) Jones (NC)  
 Davis, Jo Ann Keller  
 Davis, Tom Kennedy (MN)  
 Deal (GA) Kennedy (RI)  
 DeLay Kildee  
 DeMint Kind  
 Diaz-Balart, L. King (IA)  
 Diaz-Balart, M. King (NY)  
 Dicks Kingston  
 Dingell Kirk  
 Dooley (CA) Kline  
 Doolittle Knollenberg  
 Dreier Kolbe  
 Dunn LaHood  
 Edwards Larsen (WA)  
 Ehlers Larson (CT)  
 Emerson Latham  
 English LaTourette  
 Etheridge Leach  
 Everett Levin  
 Feeney Lewis (CA)  
 Ferguson Lewis (KY)  
 Flake Linder  
 Fletcher LoBiondo  
 Foley Lucas (OK)  
 Forbes Maloney  
 Ford Manzullo  
 Fossella Marshall  
 Frank (MA) Matheson  
 Franks (AZ) Matsui  
 Frelinghuysen McCarthy (NY)  
 Frost McCotter  
 Gallegly McCrery  
 Garrett (NJ) McHugh  
 Gerlach McInnis  
 Gibbons McIntyre  
 Gilchrest McKeon  
 Gillmor Meehan  
 Gingrey Meek (FL)  
 Gonzalez Meeks (NY)  
 Goode Mica  
 Goodlatte Miller (FL)  
 Goss Miller (MI)  
 Granger Miller (NC)  
 Graves Miller, Gary  
 Green (TX) Moran (KS)  
 Green (WI) Moran (VA)  
 Greenwood Murphy  
 Gutknecht Musgrave  
 Hall Myrick  
 Harris Neal (MA)  
 Hart Nethercutt  
 Hastings (WA) Neugebauer  
 Hayes Ney  
 Hayworth Northup  
 Hefley Norwood  
 Herger Nunes  
 Hobson Nussle  
 Hoekstra Olver  
 Honda Ose  
 Hostettler Oxley  
 Hulshof Pallone  
 Hyde Paul  
 Isakson Pearce  
 Issa Whitfield  
 Istook Wicker  
 Jackson-Lee (TX) Petri  
 Janklow Pickering  
 Jefferson Pitts  
 Jenkins Platts  
 Pombo

NAYS—127

Ackerman Davis (IL)  
 Allen DeFazio  
 Andrews DeGette  
 Baird Delahunt  
 Baldwin DeLauro  
 Bell Doggett  
 Berkley Doyle  
 Berman Duncan  
 Berry Emanuel  
 Bishop (GA) Engel  
 Boyd Eshoo  
 Brady (PA) Evans  
 Brown (OH) Farr  
 Capps Filner  
 Cardin Grijalva  
 Clyburn Gutierrez  
 Cooper Harman  
 Costello Hastings (FL)  
 Crowley Hill  
 Davis (CA) Hinchey  
 Davis (FL) Hinojosa

Pomeroy Lucas (KY)  
 Porter Lynch  
 Portman Majette  
 Price (NC) Markey  
 Pryce (OH) McCarthy (MO)  
 Putnam McCollum  
 Quinn McDermott  
 Radanovich McGovern  
 Ramstad McNulty  
 Rangel Menendez  
 Michaud Millender-  
 McDonald  
 Miller, George  
 Mollohan  
 Moore  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Royce  
 Ryan (WI)  
 Ryun (KS)  
 Sanchez, Linda  
 T.  
 Sandlin  
 Saxton  
 Schakowsky  
 Schrock  
 Scott (GA)  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Souder  
 Stearns  
 Stenholm  
 Stupak  
 Sullivan  
 Tancredo  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Thomas  
 Thornberry  
 Tiahrt  
 Tiberi  
 Toomey  
 Turner (OH)  
 Turner (TX)  
 Upton  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Waters  
 Watson  
 Watt  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Young (AK)  
 Young (FL)

NOT VOTING—19  
 Ballance Houghton  
 Carter Hunter  
 Deutsch Israel  
 Fattah Lewis (GA)  
 Gephardt Osborne  
 Gordon Otter  
 Hensarling Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1924

Messrs. MOLLOHAN, SPRATT and SHERMAN changed their vote from "yea" to "nay."

Mr. MEEKS of New York changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and 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. ISRAEL. Mr. Speaker, early tonight when the House voted on the Ryan Motion to Instruct on H.R. 1308, rollcall No. 509, the Stenholm Motion to Instruct on H.R. 1, rollcall No. 510, the Rodriguez Motion to Instruct on H.R. 1588, rollcall No. 511, and passage of H.R. 1409, rollcall No. 512, I was not present. Unfortunately, I was compelled to miss these votes due to a long-standing meeting with Prime Minister Silvio Berlusconi of Italy. Had I been present I would have voted "yes" on rollcall Nos. 509 through 511, "no" on rollcall No. 512.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 509, No. 510, No. 511, and No. 512. Had I been present, I would have voted "yea" on rollcall No. 509, "yea" on rollcall No. 510, "yea" on rollcall No. 511, and "no" on rollcall No. 512.

DIRECTING SECRETARY OF INTERIOR TO CONDUCT STUDY TO DETERMINE NATIONAL SIGNIFICANCE OF MIAMI CIRCLE IN FLORIDA AND OF ITS INCLUSION IN NATIONAL PARK SYSTEM AS PART OF BISCAYNE NATIONAL PARK

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 111.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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

Mr. KIND. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. KIND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).