

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 204, not voting 9, as follows:

[Roll No. 350]

AYES—222

| | | |
|----------------|---------------|---------------|
| Aderholt | Goodlatte | Pease |
| Archer | Goss | Peterson (PA) |
| Armey | Graham | Petri |
| Bachus | Granger | Pickering |
| Baker | Green (WI) | Pitts |
| Ballenger | Greenwood | Pombo |
| Barr | Gutknecht | Porter |
| Barrett (NE) | Hansen | Portman |
| Bartlett | Hastert | Pryce (OH) |
| Barton | Hastings (WA) | Quinn |
| Bass | Hayes | Radanovich |
| Bateman | Hayworth | Ramstad |
| Bereuter | Hefley | Regula |
| Biggert | Herger | Reynolds |
| Bilbray | Hill (MT) | Riley |
| Bilirakis | Hilleary | Rogan |
| Bliley | Hobson | Rogers |
| Blunt | Hoekstra | Rohrabacher |
| Boehlert | Horn | Ros-Lehtinen |
| Boehner | Hottel | Roukema |
| Bonilla | Houghton | Royce |
| Bono | Hulshof | Ryan (WI) |
| Brady (TX) | Hunter | Ryun (KS) |
| Bryant | Hutchinson | Salmon |
| Burr | Hyde | Sanford |
| Burton | Isakson | Saxton |
| Buyer | Istook | Scarborough |
| Callahan | Jackson (IL) | Schaffer |
| Calvert | Jenkins | Sensenbrenner |
| Camp | Johnson (CT) | Sessions |
| Campbell | Johnson, Sam | Shadegg |
| Canady | Jones (NC) | Shaw |
| Cannon | Kasich | Shays |
| Castle | Kelly | Sherwood |
| Chabot | King (NY) | Shimkus |
| Chambliss | Kingston | Shuster |
| Chenoweth-Hage | Knollenberg | Simpson |
| Coble | Kolbe | Skeen |
| Coburn | Kuykendall | Smith (MI) |
| Collins | LaHood | Smith (NJ) |
| Combest | Largent | Smith (TX) |
| Cooksey | Latham | Souder |
| Cox | LaTourette | Spence |
| Crane | Lazio | Stearns |
| Cubin | Leach | Stump |
| Cunningham | Lewis (CA) | Sununu |
| Davis (VA) | Lewis (KY) | Sweeney |
| Deal | Linder | Talent |
| DeLay | LoBiondo | Tancredo |
| DeMint | Tauzin | Tauzin |
| Diaz-Balart | Manzullo | Taylor (NC) |
| Dickey | Martinez | Terry |
| Doolittle | McCollum | Thomas |
| Dreier | McCrery | Thornberry |
| Duncan | McHugh | Thune |
| Dunn | McInnis | Tiahrt |
| Ehlers | McIntosh | Toomey |
| Ehrlich | McKeon | Traficant |
| Emerson | Metcalfe | Upton |
| English | Mica | Vitter |
| Everett | Miller (FL) | Walden |
| Ewing | Miller, Gary | Walsh |
| Fletcher | Moran (KS) | Wamp |
| Foley | Morella | Watkins |
| Fossella | Myrick | Watts (OK) |
| Fowler | Nethercutt | Weldon (FL) |
| Frelinghuysen | Ney | Weldon (PA) |
| Gallely | Northup | Weller |
| Ganske | Norwood | Whitfield |
| Gibbons | Nussle | Wicker |
| Gilchrest | Ose | Wilson |
| Gillmor | Oxley | Wolf |
| Gilman | Packard | Young (AK) |
| Goode | Paul | Young (FL) |

NOES—204

| | | |
|--------------|-------------|------------|
| Abercrombie | Berkley | Brown (FL) |
| Ackerman | Berman | Brown (OH) |
| Allen | Berry | Capps |
| Andrews | Bishop | Capuano |
| Baca | Blagojevich | Cardin |
| Baird | Blumenauer | Carson |
| Baldacci | Bonior | Clay |
| Baldwin | Borski | Clayton |
| Barcia | Boswell | Clement |
| Barrett (WI) | Boucher | Clyburn |
| Becerra | Boyd | Condit |
| Bentsen | Brady (PA) | Conyers |

| | | |
|----------------|----------------|---------------|
| Costello | Kennedy | Phelps |
| Coyne | Kildee | Pickett |
| Cramer | Kilpatrick | Pomeroy |
| Crowley | Kind (WI) | Price (NC) |
| Cummings | Kleczka | Rahall |
| Danner | Klink | Rangel |
| Davis (FL) | Kucinich | Reyes |
| Davis (IL) | LaFalce | Rivers |
| DeFazio | Lampson | Rodriguez |
| DeGette | Lantos | Roemer |
| Delahunt | Larson | Rothman |
| DeLauro | Lee | Roybal-Allard |
| Deutsch | Levin | Rush |
| Dicks | Lewis (GA) | Sabo |
| Dingell | Lipinski | Sanchez |
| Dixon | Lofgren | Sanders |
| Doggett | Lowe | Sandlin |
| Dooley | Lucas (KY) | Sawyer |
| Doyle | Luther | Schakowsky |
| Engel | Maloney (CT) | Scott |
| Eshoo | Maloney (NY) | Serrano |
| Etheridge | Mascara | Sherman |
| Evans | Matsui | Shows |
| Farr | McCarthy (MO) | Sisisky |
| Fattah | McCarthy (NY) | Skelton |
| Filner | McDermott | Slaughter |
| Forbes | McGovern | Smith (WA) |
| Ford | McIntyre | Snyder |
| Frank (MA) | McKinney | Spratt |
| Frost | McNulty | Stabenow |
| Gedjenson | Meehan | Stark |
| Gephardt | Meek (FL) | Stenholm |
| Gonzalez | Meeks (NY) | Stupak |
| Gordon | Menendez | Tanner |
| Green (TX) | Millender- | Tauscher |
| Gutierrez | McDonald | Taylor (MS) |
| Hall (OH) | Miller, George | Thompson (CA) |
| Hall (TX) | Minge | Thompson (MS) |
| Hastings (FL) | Mink | Thurman |
| Hill (IN) | Moakley | Tierney |
| Hilliard | Mollohan | Towns |
| Hinchee | Moore | Turner |
| Hinojosa | Moran (VA) | Udall (CO) |
| Hoeffel | Murtha | Udall (NM) |
| Holden | Nadler | Velazquez |
| Holt | Napolitano | Visclosky |
| Hooley | Neal | Waters |
| Hoyer | Oberstar | Watt (NC) |
| Inslee | Obey | Waxman |
| Jackson-Lee | Olver | Weiner |
| (TX) | Ortiz | Wexler |
| Jefferson | Owens | Weygand |
| John | Pallone | Wise |
| Johnson, E. B. | Pascrell | Woolsey |
| Jones (OH) | Pastor | Wu |
| Kanjorski | Payne | Wynn |
| Kaptur | Pelosi | |

NOT VOTING—9

| | | |
|-------------|----------|---------------|
| Cook | Gekas | Peterson (MN) |
| Edwards | Goodling | Strickland |
| Franks (NJ) | Markey | Vento |

□ 1411

Mr. SNYDER and Mr. WEYGAND changed their vote from “aye” to “no.”

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 244, not voting 13, as follows:

[Roll No. 351]

AYES—178

| | |
|----------------|---------------|
| Ford | Nadler |
| Frank (MA) | Napolitano |
| Frost | Neal |
| Gedjenson | Oberstar |
| Gephardt | Obey |
| Gonzalez | Ortiz |
| Gutierrez | Owens |
| Hall (OH) | Pallone |
| Hastings (FL) | Pascarell |
| Hill (IN) | Pastor |
| Hilliard | Payne |
| Hinchee | Pelosi |
| Hinojosa | Pickett |
| Hoeffel | Pomeroy |
| Holden | Price (NC) |
| Hoyer | Rangel |
| Inslee | Reyes |
| Jackson (IL) | Rivers |
| Jackson-Lee | Rodriguez |
| (TX) | Rothman |
| Jefferson | Roybal-Allard |
| John | Rush |
| Johnson, E. B. | Sabo |
| Jones (OH) | Sanchez |
| Kanjorski | Sanders |
| Kaptur | Sandlin |
| Kennedy | Sawyer |
| Kildee | Schakowsky |
| Kilpatrick | Scott |
| LaFalce | Serrano |
| Lampson | Sherman |
| Lantos | Shows |
| Lee | Sisisky |
| Levin | Skelton |
| Lewis (GA) | Slaughter |
| Lowe | Smith (WA) |
| Lucas (KY) | Snyder |
| Luther | Spratt |
| Mascara | Stabenow |
| Matsui | Stark |
| McCarthy (MO) | Stenholm |
| McCarthy (NY) | Stupak |
| McDermott | Tanner |
| McGovern | Tauscher |
| McIntyre | Taylor (MS) |
| McKinney | Thompson (CA) |
| McNulty | Thompson (MS) |
| Meehan | Tierney |
| Meek (FL) | Turner |
| Meeks (NY) | Udall (CO) |
| Menendez | Velazquez |
| Millender- | Visclosky |
| McDonald | Waters |
| Miller, George | Waxman |
| Minge | Weiner |
| Mink | Wexler |
| Moakley | Weygand |
| Moore | Woolsey |
| Moran (VA) | Wu |
| Murtha | Wynn |

NOES—244

| | |
|----------------|---------------|
| Castle | Fossella |
| Chabot | Fowler |
| Chambliss | Franks (NJ) |
| Chenoweth-Hage | Frelinghuysen |
| Coble | Gallely |
| Coburn | Ganske |
| Collins | Gekas |
| Combest | Gibbons |
| Cooksey | Gilchrest |
| Costello | Gillmor |
| Cox | Goode |
| Crane | Goodlatte |
| Cubin | Gordon |
| Cunningham | Goss |
| Davis (VA) | Graham |
| Deal | Granger |
| DeLay | Green (TX) |
| DeMint | Green (WI) |
| Diaz-Balart | Greenwood |
| Dickey | Gutknecht |
| Doolittle | Hall (TX) |
| Dreier | Hansen |
| Duncan | Hastert |
| Dunn | Hastings (WA) |
| Ehlers | Hayes |
| Ehrlich | Hayworth |
| Emerson | Hefley |
| English | Hill (MT) |
| Etheridge | Hilleary |
| Evans | Hobson |
| Everett | Hoekstra |
| Ewing | Holt |
| Fletcher | Hooley |
| Foley | Horn |

| | | |
|--------------|---------------|-------------|
| Hostettler | Miller, Gary | Sherwood |
| Houghton | Mollohan | Shimkus |
| Hulshof | Moran (KS) | Shuster |
| Hunter | Morella | Simpson |
| Hutchinson | Nethercutt | Skeen |
| Hyde | Ney | Smith (MI) |
| Isakson | Northup | Smith (NJ) |
| Istook | Norwood | Smith (TX) |
| Jenkins | Nussle | Souder |
| Johnson (CT) | Ose | Spence |
| Johnson, Sam | Oxley | Stearns |
| Jones (NC) | Packard | Stump |
| Kasich | Paul | Sununu |
| Kelly | Pease | Sweeney |
| Kind (WI) | Peterson (MN) | Talent |
| King (NY) | Peterson (PA) | Tancredo |
| Kingston | Petri | Tauzin |
| Klecza | Phelps | Taylor (NC) |
| Klink | Pickering | Terry |
| Knollenberg | Pitts | Thomas |
| Kolbe | Porter | Thornberry |
| Kucinich | Portman | Thune |
| Kuykendall | Pryce (OH) | Thurman |
| LaHood | Quinn | Tiahrt |
| Largent | Rahall | Toomey |
| Larson | Ramstad | Towns |
| Latham | Regula | Trafigant |
| LaTourette | Reynolds | Udall (NM) |
| Lazio | Riley | Upton |
| Leach | Roemer | Vitter |
| Lewis (CA) | Rogan | Walden |
| Lewis (KY) | Rogers | Walsh |
| Linder | Rohrabacher | Wamp |
| Lipinski | Ros-Lehtinen | Watkins |
| LoBiondo | Roukema | Watt (NC) |
| Lofgren | Royce | Watts (OK) |
| Lucas (OK) | Ryan (WI) | Weldon (FL) |
| Manzullo | Ryun (KS) | Weldon (PA) |
| Martinez | Salmon | Weller |
| McCollum | Sanford | Whitfield |
| McCrery | Saxton | Wicker |
| McHugh | Scarborough | Wilson |
| McInnis | Schaffer | Wise |
| McIntosh | Sensenbrenner | Wolf |
| McKeon | Sessions | Young (AK) |
| Metcalf | Shadegg | Young (FL) |
| Mica | Shaw | |
| Miller (FL) | Shays | |

NOT VOTING—13

| | | |
|--------------|--------------|------------|
| Cook | Maloney (NY) | Radanovich |
| Gilman | Markey | Strickland |
| Goodling | Myrick | Vento |
| Herger | Olver | |
| Maloney (CT) | Pombo | |

□ 1428

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

MEDICARE RX 2000 ACT

Mr. ARCHER. Mr. Speaker, pursuant to H. Res. 539, I call up the bill (H.R. 4680), 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 in the House. The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 539, the bill is considered read for amendment.

The text of the bill, H.R. 4680, is as follows:

H.R. 4680

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare Rx 2000 Act”.

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

Sec. 1. Short title; 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. 1860A. Benefits; eligibility; enrollment; and coverage period.

“Sec. 1860B. Requirements for qualified prescription drug coverage.

“Sec. 1860C. Beneficiary protections for qualified prescription drug coverage.

“Sec. 1860D. Requirements for prescription drug plan (PDP) sponsors.

“Sec. 1860E. Process for beneficiaries to select qualified prescription drug coverage.

“Sec. 1860F. Premiums.

“Sec. 1860G. Premium and cost-sharing subsidies for low-income individuals.

“Sec. 1860H. Subsidies for all medicare beneficiaries through reinsurance for qualified prescription drug coverage.

“Sec. 1860I. Medicare Prescription Drug Account in Federal Supplementary Medical Insurance Trust Fund.

“Sec. 1860J. Definitions; treatment of references to provisions in part C.

Sec. 102. Offering of qualified prescription drug coverage under the Medicare+Choice program.

Sec. 103. Medicaid amendments.

Sec. 104. Medigap transition provisions.

TITLE II—MODERNIZATION OF ADMINISTRATION OF MEDICARE

Subtitle A—Medicare Benefits Administration

Sec. 201. Establishment of administration.

“Sec. 1807. Medicare Benefits Administration.

Sec. 202. Miscellaneous administrative provisions.

Subtitle B—Oversight of Financial Sustainability of the Medicare Program

Sec. 211. Additional requirements for annual financial report and oversight on medicare program.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 221. Revisions to medicare appeals process.

Sec. 222. Provisions with respect to limitations on liability of beneficiaries.

Sec. 223. Waivers of liability for cost sharing amounts.

Sec. 224. Elimination of motions by the Secretary on decisions of the Provider Reimbursement Review Board.

TITLE III—MEDICARE+CHOICE REFORMS; PRESERVATION OF MEDICARE PART B DRUG BENEFIT

Subtitle A—Medicare+Choice Reforms

Sec. 301. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.

Sec. 302. Permanently removing application of budget neutrality beginning in 2002.

Sec. 303. Increasing minimum payment amount.

Sec. 304. Allowing movement to 50:50 percent blend in 2002.

Sec. 305. Increased update for payment areas with only one or no Medicare+Choice contracts.

Sec. 306. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.

Sec. 307. 10-year phase in of risk adjustment based on data from all settings.

Subtitle B—Preservation of Medicare Coverage of Drugs and Biologicals

Sec. 311. Preservation of coverage of drugs and biologicals under part B of the medicare program.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

SEC. 101. ESTABLISHMENT OF A MEDICARE PRESCRIPTION DRUG BENEFIT.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating part D as part E; and
(2) by inserting after part C the following new part:

“PART D—VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM

“SEC. 1860A. BENEFITS; ELIGIBILITY; ENROLLMENT; AND COVERAGE PERIOD.

“(a) PROVISION OF QUALIFIED PRESCRIPTION DRUG COVERAGE THROUGH ENROLLMENT IN PLANS.—Subject to the succeeding provisions of this part, each individual who is enrolled under part B is entitled to obtain qualified prescription drug coverage (described in section 1860B(a)) as follows:

“(1) MEDICARE+CHOICE PLAN.—If the individual is eligible to enroll in a Medicare+Choice plan that provides qualified prescription drug coverage under section 1851(j), the individual may enroll in the plan and obtain coverage through such plan.

“(2) PRESCRIPTION DRUG PLAN.—If the individual is not enrolled in a Medicare+Choice plan that provides qualified prescription drug coverage, the individual may enroll under this part in a prescription drug plan (as defined in section 1860C(a)).

Such individuals shall have a choice of such plans under section 1860E(d).

“(b) GENERAL ELECTION PROCEDURES.—

“(1) IN GENERAL.—An individual may elect to enroll in a prescription drug plan under this part, or elect the option of qualified prescription drug coverage under a Medicare+Choice plan under part C, and change such election only in such manner and form as may be prescribed by regulations of the Administrator of the Medicare Benefits Administration (appointed under section 1807(b)) (in this part referred to as the ‘Medicare Benefits Administrator’) and only during an election period prescribed in or under this subsection.

“(2) ELECTION PERIODS.—

“(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

“(i) annual coordinated election periods; and

“(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug plan under this part at the time of the election of coverage under the original fee-for-service plan.

“(B) INITIAL ELECTION PERIODS.—

“(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is enrolled under part B as of November 1, 2002, there shall be an initial election period of 6 months beginning on that date.

“(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first enrolled under part B after November 1, 2002, there