

Matsui Peterson (PA)
 McCarthy (MO) Petri
 McCarthey (NY) Pickering
 McCollum Pitts
 McCotter Platts
 McCrery Pombo
 McDermott Pomeroy
 McGovern Porter
 McHugh Portman
 McInnis Price (NC)
 McIntyre Pryce (OH)
 McKeon Putnam
 McNulty Radanovich
 Meehan Rahall
 Meek (FL) Ramstad
 Meeks (NY) Rangel
 Menendez Regula
 Mica Rehberg
 Michaud Renzi
 Millender- Reyes
 McDonald Reynolds
 Miller (FL) Rodriguez
 Miller (MI) Rogers (AL)
 Miller (NC) Rogers (KY)
 Miller, Gary Rogers (MI)
 Miller, George Rohrabacher
 Mollohan Ros-Lehtinen
 Moore Ross
 Moran (KS) Rothman
 Moran (VA) Roybal-Allard
 Murphy Royce
 Murtha Rush
 Musgrave Ryan (OH)
 Myrick Ryan (WI)
 Nadler Ryan (KS)
 Napolitano Sabo
 Neal (MA) Sanchez, Linda
 Nethercutt T.
 Neugebauer Sanchez, Loretta
 Ney Sanders
 Northup Sandlin
 Norwood Saxton
 Nunes Schakowsky
 Nussle Schiff
 Oberstar Schrock
 Obey Scott (GA)
 Olver Scott (VA)
 Ortiz Sensenbrenner
 Osborne Serrano
 Ose Sessions
 Otter Shadegg
 Owens Shaw
 Oxley Shays
 Pallone Sherman
 Pascrell Sherwood
 Pastor Shimkus
 Paul Shuster
 Payne Simmons
 Pearce Simpson
 Pelosi Skelton
 Pence Slaughter
 Peterson (MN) Smith (MI)

VETERANS HEALTH CARE, CAPITAL ASSET, AND BUSINESS IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of suspending the rules and passing the Senate bill, S. 1156.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 1156, 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 423, nays 2, not voting 9, as follows:

[Roll No. 658]

YEAS—423

Abercrombie Clay
 Ackerman Clyburn
 Aderholt Coble
 Akin Cole
 Alexander Collins
 Allen Conyers
 Andrews Cooper
 Baca Costello
 Bachus Cox
 Cramer Cramers
 Baker Crane
 Baldwin Crenshaw
 Ballance Crowley
 Ballenger Culberson
 Barrett (SC) Cummings
 Bartlett (MD) Cunningham
 Barton (TX) Davis (AL)
 Bass Davis (CA)
 Beauprez Davis (FL)
 Becerra Davis (IL)
 Bell Davis (TN)
 Bereuter Davis, Jo Ann
 Berkeley Davis, Tom
 Berry Deal (GA)
 Biggart DeFazio
 Bilirakis DeGette
 Bishop (GA) Delahunt
 Bishop (NY) DeLauro
 Bishop (UT) DeLay
 Blackburn DeMint
 Blumenauer Deutsch
 Blunt Diaz-Balart, L.
 Boehlert Diaz-Balart, M.
 Boehner Dicks
 Bonilla Dingell
 Bonner Doggett
 Bono Dooley (CA)
 Boozman Doolittle
 Boswell Doyle
 Boucher Dreier
 Boyd Duncan
 Bradley (NH) Dunn
 Brady (PA) Edwards
 Brady (TX) Ehlers
 Brown (OH) Emanuel
 Brown (SC) Emerson
 Brown, Corrine Engel
 Brown-Waite, English
 Ginny Eshoo
 Burgess Etheridge
 Burns Evans
 Burr Everett
 Burton (IN) Farr
 Buyer Fattah
 Calvert Feeney
 Camp Ferguson
 Cannon Filner
 Cantor Flake
 Capito Foley
 Capps Forbes
 Capuano Ford
 Cardin Fossella
 Cardoza Frank (MA)
 Carson (IN) Franks (AZ)
 Carson (OK) Frelinghuysen
 Carter Frost
 Case Gallegly
 Castle Garrett (NJ)
 Chabot Gerlach
 Chocola Gibbons

Kingston Ney
 Kirk Northup
 Kleczka Norwood
 Kline Nunes
 Knollenberg Nussle
 Kolbe Oberstar
 LaHood Obey
 Lampson Olver
 Langevin Ortiz
 Lantos Osborne
 Larsen (WA) Ose
 Larson (CT) Otter
 Latham Owens
 LaTourette Oxley
 Leach Pallone
 Lee Pascrell
 Levin Pastor
 Lewis (CA) Paul
 Lewis (GA) Payne
 Lewis (KY) Pearce
 Linder Pelosi
 Lipinski Lipinski
 LoBiondo Peterson (MN)
 Lofgren Peterson (PA)
 Lowey Petri
 Lucas (KY) Pickering
 Lucas (OK) Pitts
 Lynch Platts
 Majette Pombo
 Maloney Pomeroy
 Manzullo Porter
 Markey Portman
 Marshall Price (NC)
 Matheson Pryce (OH)
 Matsui Putnam
 McCarthy (MO) Radanovich
 McCarthy (NY) Rahall
 McCollum Ramstad
 McCotter Rangel
 McCrery Regula
 McDermott Rehberg
 McGovern Renzi
 McHugh Reyes
 McInnis Reynolds
 McIntyre Rodriguez
 McKeon Rogers (AL)
 McNulty Rogers (KY)
 Meehan Rogers (MI)
 Meek (FL) Rohrabacher
 Meeks (NY) Ros-Lehtinen
 Menendez Ross
 Mica Rothman
 Michaud Roybal-Allard
 Millender- Royce
 McDonald Rush
 Miller (FL) Ryan (OH)
 Miller (MI) Ryan (WI)
 Miller (NC) Ryan (KS)
 Miller, Gary Sabo
 Miller, George Sanchez, Linda
 Mollohan T.
 Moore Sanchez, Loretta
 Moran (KS) Sanders
 Moran (VA) Sandlin
 Murphy Saxton
 Murtha Schakowsky
 Musgrave Schiff
 Myrick Schrock
 Nadler Scott (GA)
 Napolitano Scott (VA)
 Neal (MA) Sensenbrenner
 Nethercutt Serrano
 Neugebauer Sessions

NAYS—2

Johnson, Sam

Thomas

NOT VOTING—9

Berman Gephardt
 Cubin Green (TX)
 Fletcher Kucinich
 Quinn Ruppberger
 Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1529

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Cubin Green (TX)
 Fletcher Kucinich
 Gephardt Quinn

NOT VOTING—8

Ruppberger
 Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1520

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "A resolution condemning the terrorist attacks in Istanbul, Turkey, on November 15 and 20, 2003, expressing condolences to the families of the individuals murdered and expressing sympathies to the individuals injured in the terrorist attacks, and expressing solidarity with Turkey and the United Kingdom in the fight against terrorism."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, I regret I was unavoidably detained and missed the three votes earlier today.

Had I been present, I would have voted in the following manner: rollcall 656, approving H.R. 1904, the Healthy Forests Restoration Act of 2003, I would have voted "nay."

On rollcall 657, approving H.R. 453, I would have voted "yea."

On rollcall 658, approving S. 1156, I would have voted "yea."

□ 1530

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1, MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 108-394) on the resolution (H. Res. 463) waiving points of order against the conference report to accompany 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, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 459 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 459

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of November 21, 2003, providing for consideration or disposition of a conference report to accompany 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, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and passed this resolution waiving clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules. The resolution applies the waiver to a special rule reported on or before the legislative day of Friday, November 21, 2003, providing for consideration or disposition of the conference report to accompany the bill, H.R. 1, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

Mr. Speaker, as my colleagues are aware, the conference committee has completed its work and the conference report has been filed. In the spirit of bipartisanship to accommodate the request of the minority, the Committee on Rules met this morning, as opposed to last night, to give members of the minority an opportunity to come to the Committee on Rules at a convenient time and so that the witnesses could come to the Committee on Rules at a convenient time to talk about this extraordinarily important conference report which delivers to America's seniors a voluntary, universal, and guaranteed prescription drug benefit.

This morning, the Committee on Rules received testimony for more than 4 hours on this conference report from many Members in anticipation of reporting a rule to bring this very important and historic legislation before the House. Adoption of this same-day rule and a subsequent rule will simply allow us to consider the historic prescription drug and Medicare modernization plan today, hopefully moving us one day closer to sending this measure to the President of the United States for his signature and sending a strong message to the American people that this Congress is committed to ensuring our seniors that they have access to affordable medications that will keep them healthy and active.

Mr. Speaker, I strongly urge my colleagues to support this rule and allow the House to complete its work on this landmark legislation. America's seniors have waited far too long. It is time for us to act.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the rules of this body require that before

considering a conference report, a copy of the report and the joint explanatory statement must be available to Members for 3 business days. The Medicare drug conference report and accompanying explanatory statement were filed very early this morning, 1:17 a.m. But here we are, Mr. Speaker, debating a special rule waiving the House rule prohibiting the same-day consideration of the Medicare conference report that is more than 1,000 pages long. This defies common sense. This tramples on the rights of the Members of this body. How are we to make the best informed decisions for our constituents and the Nation about monumental legislation when we do not have the required opportunity to examine this report? What should be bipartisan conference committees are, in fact, clandestine meetings held behind closed doors. Democratic House Members were deliberately excluded from the conference committee. The only African Americans on the Committee on Ways and Means were banned from a place at the negotiating table speaking for our African American citizens. That included the ranking member of the Committee on Ways and Means, who was appointed to the conference by the Speaker of the House. Key policy bargains were made out of sight of Members and hidden from public inspection.

What is it that we and the American people are not supposed to see in the fine print? Does this plan hand billions of dollars to the wealthy drug companies and insurance industry? Does this plan hurt seniors more than it helps? Will seniors end up paying more and receiving less? What will the impact be on minority seniors? They were not represented at the table. Is this bill a Trojan horse of privatizing and dismantling Medicare? If this bill is the answer to seniors' cries for help combating the skyrocketing prices charged for medications, why are we not allowed to carefully review the hundreds of pages of this report? News reports and a quick glance at the bill indicate that nothing is done to freeze or control out-of-control drug prices.

Just this morning, Thomas Scully, administrator of the Centers for Medicare and Medicaid Services, told a senior Member of the other body that he misunderstood this plan and needs to read the bill. That is a wonderful suggestion, Mr. Speaker. Too bad that we will not have that chance as the Senate has. Medicare is much too precious to kill because we will never, ever in our lifetimes and probably anybody else's in my voice's range be able to institute another program like this in America.

I remind my colleagues of the Medicare Catastrophic Coverage Act which was passed without providing Members and seniors sufficient opportunity to read the pages and pages of fine print. The result was a momentous backlash. American seniors were outraged by the legislation, so outraged that Congress was forced to repeal the law the very next year.