

Taylor (MS) Turner (TX) Weller  
 Terry Udall (NM) Whitfield  
 Thomas Upton Wicker  
 Thompson (CA) Visclosky Wilson (NM)  
 Thompson (MS) Vitter Wilson (SC)  
 Thornberry Walden (OR) Wolf  
 Tiahrt Wamp Woolsey  
 Tiberi Waters Wu  
 Toomey Weldon (FL) Wynn  
 Turner (OH) Weldon (PA) Young (FL)

NOT VOTING—25

Barton (TX) Ferguson Paul  
 Berkley Gallegly Quinn  
 Berman Gephardt Quinn  
 Bonilla Granger Reynolds  
 Burgess Janklow Ros-Lehtinen  
 Carter Jefferson Taylor (NC)  
 Davis (TN) Johnson, Sam Walsh  
 DeLay Millender Waxman  
 Dreier McDonald Young (AK)

□ 1248

Ms. ROYBAL-ALLARD, Messrs. BELL, HINCHEY, GREEN of Texas, REYES, ORTIZ, Ms. JACKSON-LEE of Texas and Mr. HONDA changed their vote from “aye” to “no.”

Mr. DEUTSCH and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

This vote may be followed by a 5-minute vote on the motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 377, nays 26, not voting 32, as follows:

[Roll No. 395]

YEAS—377

Abercrombie Brady (PA) Crenshaw  
 Ackerman Brady (TX) Crowley  
 Aderholt Brown (OH) Cubin  
 Alexander Brown (SC) Culberson  
 Allen Brown, Corrine Cummings  
 Baca Brown-Waite, Cunningham  
 Bachus Ginny Davis (AL)  
 Baird Burns Davis (CA)  
 Baker Burr Davis (FL)  
 Baldwin Burton (IN) Davis (IL)  
 Ballance Buyer Davis, Jo Ann  
 Ballenger Calvert Davis, Tom  
 Barrett (SC) Camp DeFazio  
 Bartlett (MD) Cannon DeGette  
 Bass Cantor Delahunt  
 Beauprez Capito DeLauro  
 Becerra Capps DeMint  
 Bell Cardin Deutsch  
 Bereuter Cardoza Diaz-Balart, L.  
 Berry Carson (IN) Diaz-Balart, M.  
 Biggart Carson (OK) Dicks  
 Bilirakis Case Dingell  
 Bishop (GA) Castle Dooley (CA)  
 Bishop (NY) Chabot Doolittle  
 Bishop (UT) Chocola Doyle  
 Blackburn Clay Duncan  
 Blumenauer Clyburn Dunn  
 Blunt Coble Edwards  
 Boehlert Cole Ehlers  
 Bonner Collins Emanuel  
 Bono Conyers Emerson  
 Boozman Cooper Engel  
 Boswell Costello English  
 Boucher Cox Eshoo  
 Boyd Cramer Etheridge  
 Bradley (NH) Crane Evans

Farr Fattah Levin  
 Filner Fattah Lewis (CA)  
 Foley Filner Lewis (GA)  
 Forbes Wilson (SC) Lewis (KY)  
 Ford Linder  
 Fossella LoBiondo  
 Frank (MA) Lofgren  
 Frelinghuysen Lowey  
 Frost Lucas (KY)  
 Garrett (NJ) Lucas (OK)  
 Gerlach Lynch  
 Gilchrest Majette  
 Gillmor Maloney  
 Gingrey Manzullo  
 Gonzalez Markey  
 Goode Marshall  
 Goodlatte Matsui  
 Gordon McCarthy (MO)  
 Goss McCarthy (NY)  
 Graves McCollum  
 Green (TX) McCotter  
 Green (WI) McCreery  
 Greenwood McDermott  
 Grijalva McGovern  
 Gutierrez McHugh  
 Gutknecht McInnis  
 Hall McIntyre  
 Harman McKeon  
 Harris McNulty  
 Hart Meek (FL)  
 Hastert Meeks (NY)  
 Hastings (FL) Menendez  
 Hastings (WA) Mica  
 Hayes Michaud  
 Hayworth Miller (MI)  
 Herger Miller (NC)  
 Hill Miller, Gary  
 Hinchey Miller, George  
 Hinojosa Mollohan  
 Hobson Moore  
 Hoefel Moran (KS)  
 Hoekstra Moran (VA)  
 Holden Murphy  
 Holt Murtha  
 Honda Musgrave  
 Hooley (OR) Myrick  
 Houghton Nadler  
 Hoyer Napolitano  
 Hulshof Neal (MA)  
 Hunter Nethercutt  
 Hyde Neugebauer  
 Inslee Ney  
 Isakson Norwood  
 Israel Nunes  
 Issa Nussle  
 Istook Oberstar  
 Jackson (IL) Obey  
 Jenkins Olver  
 John Ortiz  
 Johnson (CT) Osborne  
 Johnson (IL) Ose  
 Johnson, E. B. Otter  
 Jones (NC) Owens  
 Jones (OH) Oxley  
 Kanjorski Pallone  
 Kaptur Pascrell  
 Keller Pastor  
 Kelly Payne  
 Kennedy (MN) Pearce  
 Kennedy (RI) Pelosi  
 Kildee Pence  
 Kilpatrick Peterson (MN)  
 King (IA) Peterson (PA)  
 King (NY) Pickering  
 Kingston Pitts  
 Kirk Platts  
 Kleczka Pomo  
 Kline Pomeroy  
 Knollenberg Portman  
 Kolbe Price (NC)  
 LaHood Pryce (OH)  
 Lampson Putnam  
 Langevin Radanovich  
 Lantos Rahall  
 Larsen (WA) Rangel  
 Larsen (CT) Regula  
 Latham Rehberg  
 LaTourette Renzi  
 Leach Reyes  
 Lee Rodriguez

NAYS—26

Akin Franks (AZ)  
 Andrews Gibbons  
 Capuano Hefley  
 Doggett Hensarling  
 Feeney Hostettler  
 Flake Kind

Rogers (AL) Ramstad  
 Rogers (KY) Royce  
 Rogers (MI) Sensenbrenner  
 Rohrabacher  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Schrock  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sessions  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Mica  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stenholm  
 Nadler  
 Stupak  
 Sullivan  
 Sweeney  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (MS)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Towns  
 Turner (OH)  
 Turner (TX)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Visclosky  
 Vitter  
 Walden (OR)  
 Wamp  
 Waters  
 Watson  
 Watt  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (FL)

NOT VOTING—32

Barton (TX) Ferguson  
 Berkley Fletcher  
 Berman Gallegly  
 Boehner Gephardt  
 Bonilla Granger  
 Burgess Jackson-Lee  
 Carter (TX)  
 Davis (TN) Janklow  
 Deal (GA) Jefferson  
 DeLay Johnson, Sam  
 Dreier Millender  
 Everett McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL) 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 188, nays 201, not voting 46, as follows:

[Roll No. 396]

YEAS—188

Abercrombie Davis (IL) Israel  
 Ackerman DeFazio Jackson (IL)  
 Alexander Delahunt Jackson-Lee  
 Allen DeLauro (TX)  
 Andrews Deutsch John  
 Baca Dicks Johnson, E. B.  
 Baldwin Dingell Jones (OH)  
 Ballance Doggett Kanjorski  
 Becerra Doyle Kaptur  
 Bell Edwards Kennedy (RI)  
 Berry Emanuel Kildee  
 Bishop (GA) Engel Kilpatrick  
 Bishop (NY) Eshoo Kind  
 Blumenauer Etheridge Kleczka  
 Boswell Evans Kucinich  
 Boyd Farr Lampson  
 Brady (PA) Fattah Langevin  
 Brown (OH) Filner Lantos  
 Brown, Corrine Ford Larsen (WA)  
 Capps Frank (MA) Larson (CT)  
 Cardin Frost Leach  
 Cardoza Gonzalez Lee  
 Carson (IN) Gordon Levin  
 Carson (OK) Green (TX) Lewis (GA)  
 Case Grijalva Lofgren  
 Castle Hall Lowey  
 Clay Hastings (FL) Lucas (KY)  
 Clyburn Hill Lynch  
 Conyers Hinchey Majette  
 Cooper Hinojosa Maloney  
 Costello Hoeffel Markey  
 Cramer Holden Marshall  
 Crowley Holt Matheson  
 Cummings Honda Matsui  
 Davis (AL) Hooley (OR) McCarthy (MO)  
 Davis (CA) Hoyer McCarthy (NY)  
 Davis (FL) Inslee McCollum

Kucinich  
 Matheson  
 Meehan  
 Miller (FL)  
 Petri  
 Porter

McDermott	Rahall	Stark
McGovern	Rangel	Stenholm
McIntyre	Reyes	Strickland
Meek (FL)	Rodriguez	Stupak
Meeks (NY)	Ross	Tanner
Menendez	Rothman	Tauscher
Michaud	Roybal-Allard	Taylor (MS)
Miller (NC)	Ruppersberger	Thompson (CA)
Miller, George	Rush	Thompson (MS)
Mollohan	Ryan (OH)	Tierney
Moore	Sabo	Towns
Moran (VA)	Sanchez, Linda	Turner (TX)
Murtha	T.	Udall (CO)
Nadler	Sanchez, Loretta	Udall (NM)
Napolitano	Sanders	Upton
Neal (MA)	Sandlin	Van Hollen
Oberstar	Schakowsky	Visclosky
Obey	Schiff	Waters
Olver	Scott (GA)	Watson
Owens	Scott (VA)	Watt
Pallone	Serrano	Weiner
Pastor	Sherman	Wexler
Payne	Skelton	Woolsey
Pelosi	Slaughter	Wu
Peterson (MN)	Snyder	Wynn
Pomeroy	Solis	
Price (NC)	Spratt	

## NAYS—201

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

## NOT VOTING—46

Baird	Dooley (CA)	Millender-
Barton (TX)	Dreier	McDonald
Berkley	Everett	Ortiz
Berman	Ferguson	Pascrell
Boehner	Fletcher	Paul
Bonilla	Gallely	Quinn
Bono	Gephardt	Reynolds
Boucher	Granger	Ros-Lehtinen
Burgess	Gutierrez	Shays
Capuano	Harman	Smith (WA)
Carter	Janklow	Taylor (NC)
Cox	Jefferson	Velazquez
Davis (TN)	Johnson, Sam	Walsh
Deal (GA)	Linder	Waxman
DeGette	McNulty	Young (AK)
DeLay	Meehan	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1322

Ms. HARRIS changed her 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.

PRIVILEGES OF THE HOUSE—MAN-  
NER OF CONDUCTING MARKUP  
OF LEGISLATION IN COMMITTEE  
ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 324) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 324

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The minority leader, the gentleman from California (Ms. PELOSI), will be recognized for 30 minutes; and

the gentleman from Louisiana (Mr. MCCRERY) will be recognized for 30 minutes as the designee of the Speaker.

The Chair recognizes the gentleman from California (Ms. PELOSI).

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

Mr. Speaker, it is my duty as the House Democratic leader to offer this resolution. Earlier today the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure.

Mr. MCCRERY. Mr. Speaker, parliamentary inquiry.

Ms. PELOSI. I do not yield, Mr. Speaker. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. The House will be in order.

Mr. HOYER. The minority leader is speaking, Mr. Speaker.

## POINT OF ORDER

Mr. MCCRERY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman yield for the parliamentary inquiry?

Ms. PELOSI. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. For the parliamentary inquiry?

Ms. PELOSI. I do not yield. There is half an hour on the other side. They have plenty of time to make their point.

The SPEAKER pro tempore. The gentlewoman will suspend.

The gentleman will state his point of order.

Mr. MCCRERY. The majority has not been supplied with a copy of the resolution, Mr. Speaker; and it is hard for us to proceed without a copy of the resolution.

The SPEAKER pro tempore. The Clerk will supply copies, but the gentleman has not stated a point of order. The resolution has been read.

Mr. MCCRERY. I thank the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI), the minority leader, will proceed.

Ms. PELOSI. I will proceed, Mr. Speaker, but not before saying that I do not appreciate the gentleman trivializing a rare occasion of this House when a leader of a party stands up for a point of privilege on the House floor. If the gentleman wanted a copy of the resolution, he knew he could go right to the well and get it at the desk.

Now I would like to proceed. Earlier today, the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure; but it appears that indignity is the order of the day on the majority side.

As the Democratic Members of the Ways and Means Committee were caucusing in a committee room while a bill was being read for amendment, the chairman of the Committee on Ways and Means summoned the Capitol Police to remove them from that room. Make no mistake about this: the police were summoned to remove these Democratic Members because the chairman