

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

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

The SPEAKER pro tempore. The pending 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.

Mr. SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS) 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 195, nays 214, not voting 25, as follows:

[Roll No. 501]

YEAS—195

Abercrombie	Deutsch	Kanjorski
Alexander	Dicks	Kaptur
Allen	Dingell	Kennedy (RI)
Andrews	Doggett	Kildee
Baca	Doyle	Kilpatrick
Baird	Edwards	Kind
Baldwin	Ehlers	Kucinich
Ballance	Emanuel	Lampson
Becerra	Engel	Langevin
Bell	Eshoo	Lantos
Bereuter	Etheridge	Larsen (WA)
Berkley	Evans	Larson (CT)
Berry	Farr	Leach
Bishop (GA)	Fattah	Lee
Bishop (NY)	Filner	Levin
Blumenauer	Ford	Lewis (GA)
Boswell	Frank (MA)	Lofgren
Boucher	Frost	Lowe
Boyd	Gonzalez	Lucas (KY)
Brady (PA)	Gordon	Lynch
Brown (OH)	Green (TX)	Majette
Brown, Corrine	Grijalva	Maloney
Capps	Gutierrez	Marshall
Capuano	Hall	Matheson
Cardin	Harman	McCarthy (MO)
Cardoza	Hastings (FL)	McCarthy (NY)
Carson (IN)	Hill	McCollum
Carson (OK)	Hinchey	McDermott
Case	Hinojosa	McGovern
Castle	Hoefl	McIntyre
Clyburn	Holden	McNulty
Conyers	Holt	Meehan
Cooper	Honda	Meek (FL)
Costello	Hooley (OR)	Meeks (NY)
Cramer	Hoyer	Menendez
Crowley	Inslee	Michaud
Cummings	Israel	Millender-
Davis (AL)	Jackson (IL)	McDonald
Davis (CA)	Jackson-Lee	Miller (NC)
Davis (FL)	(TX)	Miller, George
Davis (TN)	Jefferson	Mollohan
DeFazio	John	Moore
DeGette	Johnson, E. B.	Moran (VA)
Delahunt	Jones (NC)	Napolitano
DeLauro	Jones (OH)	Neal (MA)

Oberstar	Ryan (OH)	Stupak
Obey	Sabo	Tanner
Oliver	Sanchez, Linda	Tauscher
Ortiz	T.	Taylor (MS)
Owens	Sanchez, Loretta	Thompson (CA)
Pallone	Sanders	Thompson (MS)
Pascarell	Sandlin	Tierney
Pastor	Schakowsky	Towns
Payne	Schiff	Turner (TX)
Pelosi	Scott (GA)	Udall (NM)
Peterson (MN)	Scott (VA)	Upton
Pomeroy	Serrano	Van Hollen
Price (NC)	Sherman	Velazquez
Rahall	Skelton	Visclosky
Reyes	Slaughter	Watson
Rodriguez	Smith (WA)	Watt
Ross	Snyder	Waxman
Rothman	Solis	Weiner
Roybal-Allard	Spratt	Wexler
Ruppersberger	Stenholm	Wu
Rush	Strickland	Wynn

NAYS—214

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

NOT VOTING—25

Ackerman	Clay	Dooley (CA)
Berman	Davis (IL)	Emerson

Gallegly	Matsui	Sweeney
Gephardt	Murtha	Udall (CO)
Hoekstra	Nadler	Waters
Janklow	Pence	Woolsey
Klecza	Pickering	Young (AK)
Lipinski	Rangel	
Markey	Stark	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2308

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

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

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill, H.R. 1.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) 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 189, nays 220, not voting 25, as follows:

[Roll No. 502]

YEAS—189

Abercrombie	Dingell	Kind
Alexander	Doggett	Kucinich
Allen	Doyle	Lampson
Andrews	Edwards	Langevin
Baca	Emanuel	Lantos
Baird	Engel	Larsen (WA)
Baldwin	Eshoo	Larson (CT)
Ballance	Etheridge	Lee
Becerra	Evans	Levin
Bell	Farr	Lewis (GA)
Berkley	Fattah	Lofgren
Berman	Filner	Lowe
Berry	Ford	Lucas (KY)
Bishop (GA)	Frank (MA)	Lynch
Bishop (NY)	Frost	Majette
Blumenauer	Gonzalez	Maloney
Boswell	Gordon	Marshall
Boucher	Green (TX)	Matheson
Boyd	Grijalva	McCarthy (MO)
Brady (PA)	Gutierrez	McCarthy (NY)
Brown (OH)	Hall	McCollum
Brown, Corrine	Harman	McDermott
Capps	Hastings (FL)	McGovern
Capuano	Hill	McIntyre
Cardin	Hinchey	McNulty
Cardoza	Hinojosa	Meehan
Carson (IN)	Hoefl	Meek (FL)
Carson (OK)	Holden	Meeks (NY)
Case	Holt	Menendez
Clyburn	Honda	Michaud
Conyers	Hooley (OR)	Millender-
Cooper	Hoyer	McDonald
Costello	Inslee	Miller (NC)
Cramer	Israel	Miller, George
Crowley	Jackson (IL)	Mollohan
Cummings	Jackson-Lee	Moore
Davis (AL)	(TX)	Moran (VA)
Davis (CA)	Jefferson	Napolitano
Davis (FL)	John	Neal (MA)
Davis (TN)	Johnson, E. B.	Oberstar
DeFazio	Jones (OH)	Obey
DeGette	Kanjorski	Oliver
Delahunt	Kaptur	Ortiz
DeLauro	Kennedy (RI)	Owens
Deutsch	Kildee	Pallone
Dicks	Kilpatrick	Pascarell

Pastor	Sanders	Tauscher	Klecza	Nussle	Udall (CO)
Payne	Sandlin	Taylor (MS)	Lipinski	Pence	Watson
Pelosi	Schakowsky	Thompson (CA)	Markey	Pickering	Woolsey
Pomeroy	Schiff	Thompson (MS)	Matsui	Rangel	Young (AK)
Price (NC)	Scott (GA)	Tierney	Murtha	Stark	
Rahall	Scott (VA)	Towns	Nadler	Sweeney	
Reyes	Serrano	Turner (TX)			
Rodriguez	Sherman	Udall (NM)			
Ross	Skeltton	Van Hollen			
Rothman	Slaughter	Velazquez			
Roybal-Allard	Smith (WA)	Visclosky			
Ruppersberger	Snyder	Waters			
Rush	Solis	Watt			
Ryan (OH)	Spratt	Waxman			
Sabo	Stenholm	Weiner			
Sanchez, Linda	Strickland	Wexler			
T.	Stupak	Wu			
Sanchez, Loretta	Tanner	Wynn			

NAYS—220

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

NOT VOTING—25

Ackerman	Dooley (CA)	Gephardt
Clay	Emerson	Hoekstra
Davis (IL)	Galleghy	Janklow

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2314

So the motion was rejected.

The result of the vote was announced as above recorded.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 911, AU- THORIZING ESTABLISHMENT OF MEMORIAL TO VICTIMS WHO DIED AS A RESULT OF TER- RORIST ACTS AGAINST THE UNITED STATES

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 911; that the bill be considered as read for amendment; that the amendment that I have placed at the desk be considered as read and adopted; and that the previous question be considered as ordered on the bill to final passage without intervening motion; except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

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

There was no objection.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the "Memorial") in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 8902(a)(3) of title 40, United States Code) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) DETAIL OF EMPLOYEES.—The Secretary of the Interior shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) RELATIONSHIP TO THE COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall apply to the Memorial, with the exception of section 8903(c) of that title which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established an advisory board to be known as the "Victims of Terrorism Memorial Advisory Board" (referred to hereafter in this Act as the "Advisory Board").

(b) MEMBERS.—The Advisory Board shall consist of 13 members who shall be appointed

not later than 3 months after the date of the enactment of this Act. Nine members shall be appointed by the President (in consultation with the Secretary of the Interior and the Secretary of Defense), 2 members by the Speaker of the House of Representatives (in consultation with the Minority Leader) and 2 members by the Majority Leader of the Senate (in consultation with the Minority Leader) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) CHAIRPERSON.—The Chairperson of the Advisory Board shall be one of its members elected by a majority of the members at the first meeting of the Advisory Board.

(d) TERMS; VACANCIES.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) DUTIES.—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 8907 of title 40, United States Code, not later than 1 year after the date of the enactment of this Act.

(f) DONATIONS.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) TERMINATION.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACAs.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the 7-year period beginning on the date of the enactment of this Act, there remains a balance in the funds received under section 8903(f) of title 40, United States Code, for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b) of that title.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 1538, TRUE AMERICAN HEROES ACT OF 2003

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 1538; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion, except: one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and one motion to recommit.

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

There was no objection.