

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 T.	Northup	Sessions	Wamp
Gilchrest	Matheson	Sanchez, Loretta T.	Norwood	Shade	Weldon (FL)
Gillmor	Matsui	Sanchez, Loretta T.	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			
Kleczka	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

Lucas (KY) Owens
 Lynch Pascrell
 Majette Pelosi
 Markey Peterson (MN)
 McCarthy (MO) Rahall
 McCollum Rodriguez
 McDermott Ross
 McGovern Rothman
 McNulty Roybal-Allard
 Menendez Rush
 Michaud Ryan (OH)
 Millender Sabo
 McDonald Sanchez, Loretta
 Miller, George Sanders
 Mollohan Schiff
 Moore Scott (VA)
 Murtha Serrano
 Nadler Shays
 Napolitano Sherman
 Oberstar Skelton
 Obey Slaughter
 Ortiz Smith (MI)

Snyder Solis
 Spratt Spratt
 Stark Strickland
 Tanner Tauscher
 Thompson (CA) Thompson (MS)
 Tierney Towns
 Udall (CO) Udall (NM)
 Van Hollen Velazquez
 Visclosky Waxman
 Weiner Wexler
 Wu Wynn

NOT VOTING—19

Ballance Houghton
 Carter Hunter
 Deutsch Israel
 Fattah Lewis (GA)
 Gephardt Osborne
 Gordon Otter
 Hensarling Pastor

Payne Ruppberger
 Sweeney Terry
 Woolsey

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).