

NAYS—1

Kanjorski

NOT VOTING—42

Bass  
Berkley  
Bono  
Brady (TX)  
Calvert  
Castle  
Cox  
Davis (FL)  
DeFazio  
DeLay  
Diaz-Balart, L.  
Eshoo  
Fletcher  
Foley  
Gephardt

Gilchrest  
Harman  
Hayworth  
Houghton  
Issa  
Jones (OH)  
Kind  
Lofgren  
Matsui  
Meeks (NY)  
Millender-  
McDonald  
Napolitano  
Nunes  
Platts

Putnam  
Radanovich  
Ryun (KS)  
Shaw  
Shimkus  
Solis  
Taylor (MS)  
Thomas  
Toomey  
Upton  
Walden (OR)  
Watson  
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). There are 2 minutes remaining in this vote.

□ 1853

Messrs. RYAN of Wisconsin, KENNEDY of Minnesota, CANNON and COSTELLO changed their vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 532 on H. Con. Res. 274, Commending the National Endowment for Democracy, I was unavoidably detained. Had I been present, I would have voted “yes.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

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 New York (Mr. BISHOP) 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 181, nays 214, not voting 39, as follows:

[Roll No. 533]

YEAS—181

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance

Becerra  
Bell  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell

Boucher  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza

Carson (IN)  
Carson (OK)  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Emanuel  
Engel  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Frost  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez  
Hall  
Hastings (FL)  
Hill  
Hinchev  
Hinojosa  
Hoefel  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson

John  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kleccka  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lowe  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi

NAYS—214

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Ballenger  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Beauprez  
Bereuter  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Boozman  
Boyd  
Bradley (NH)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Case  
Chabot  
Chocola  
Coble  
Cole  
Collins  
Cox  
Crane

Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeMint  
Deutsch  
Diaz-Balart, M.  
Dooley (CA)  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Emerson  
English  
Everett  
Feeney  
Ferguson  
Flake  
Forbes  
Fossella  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gillmor  
Gingrey  
Goode  
Goode  
Goodlatte  
Goss  
Granger  
Graves  
Green (WI)  
Greenwood  
Gutknecht  
Harris  
Hart  
Hastings (WA)  
Hayes

Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velazquez  
Visclosky  
Waters  
Watt  
Waxman  
Weiner  
Wexler  
Wu  
Wynn

McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Quinn  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts

Pombo  
Porter  
Portman  
Pryce (OH)  
Quinn  
Ramstad  
Regula  
Rehberg  
Renzi  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Sherwood  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)

Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberti  
Turner (OH)  
Vitter  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NOT VOTING—39

Bass  
Berkley  
Harman  
Bono  
Brady (TX)  
Calvert  
Castle  
Jones (OH)  
Kind  
Lofgren  
Matsui  
DeLay  
Diaz-Balart, L.  
Eshoo  
Fletcher  
Foley  
Gephardt

Gilchrest  
Radanovich  
Reynolds  
Ryun (KS)  
Houghton  
Issa  
Shaw  
Shimkus  
Solis  
Taylor (MS)  
Toomey  
Upton  
Walden (OR)  
Watson  
Woolsey

SPEAKER ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1904

Ms. DUNN 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.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 533 on the Bishop Motion to instruct conferees on H.R. 1, I was unavoidably detained. Had I been present, I would have voted “yes.”

PARLIAMENTARY INQUIRY

Mr. THOMAS. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman will state his inquiry.

Mr. THOMAS. Madam Speaker, my understanding is the next motion is a motion to instruct conferees, and my understanding is motions to instruct conferees are nonbinding; is that correct?

The SPEAKER pro tempore. The gentleman is correct, the motion is non-binding.

Mr. THOMAS. And the motion to instruct is to request that we retain language in the bill the House passed; is that correct?

The SPEAKER pro tempore. The motion is available to Members.

Mr. THOMAS. I appreciate that.

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

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 Arizona (Mr. FLAKE).

The vote was taken by electronic device, and there were—yeas 161, nays 234, not voting 39, as follows:

[Roll No. 534]

YEAS—161

Aderholt	Gallegly	Paul
Akin	Garrett (NJ)	Pearce
Baker	Gibbons	Pence
Ballenger	Gingrey	Peterson (PA)
Barrett (SC)	Goode	Petri
Bartlett (MD)	Goodlatte	Pickering
Barton (TX)	Goss	Pitts
Beauprez	Granger	Platts
Bereuter	Green (WI)	Pombo
Bilirakis	Greenwood	Porter
Bishop (UT)	Gutknecht	Portman
Blackburn	Harris	Pryce (OH)
Blumenauer	Hart	Ramstad
Blunt	Hastings (WA)	Rehberg
Boehner	Hayes	Renzi
Bonilla	Hefley	Rogers (KY)
Bonner	Hensarling	Rogers (MI)
Boozman	Herger	Rohrabacher
Boucher	Hostettler	Ros-Lehtinen
Brown (SC)	Hulshof	Royce
Burgess	Hyde	Ryan (WI)
Burns	Isakson	Saxton
Burton (IN)	Jenkins	Schrock
Buyer	Johnson (CT)	Sensenbrenner
Camp	Johnson, Sam	Sessions
Cannon	Jones (NC)	Shadegg
Cantor	Keller	Shays
Carter	Kelly	Sherwood
Case	Kennedy (MN)	Shuster
Chabot	King (IA)	Simmons
Chocola	Kingston	Simpson
Coble	Kline	Smith (MI)
Collins	Knollenberg	Smith (NJ)
Cox	Kolbe	Souder
Crane	Latham	Stearns
Crenshaw	Lewis (KY)	Stenholm
Cubin	Linder	Sweeney
Cunningham	LoBiondo	Tancredo
Deal (GA)	McCrery	Tauzin
DeMint	McKeon	Taylor (NC)
Diaz-Balart, M.	Mica	Terry
Dicks	Miller (FL)	Thomas
Doolittle	Miller, Gary	Thompson (CA)
Dreier	Murphy	Tiahrt
Duncan	Musgrave	Vitter
Dunn	Myrick	Walsh
Ehlers	Nethercutt	Wamp
English	Neugebauer	Weldon (FL)
Everett	Ney	Weller
Feeney	Norwood	Whitfield
Ferguson	Nunes	Wicker
Flake	Nussle	Wilson (NM)
Franks (AZ)	Osborne	Wilson (SC)
Frelinghuysen	Otter	

NAYS—234

Abercrombie	Bishop (GA)	Cardin
Ackerman	Bishop (NY)	Cardoza
Alexander	Boehlert	Carson (IN)
Allen	Boswell	Carson (OK)
Andrews	Boyd	Clay
Baca	Bradley (NH)	Clyburn
Bachus	Brady (PA)	Cole
Baird	Brown (OH)	Conyers
Baldwin	Brown, Corrine	Cooper
Ballance	Brown-Waite,	Costello
Becerra	Ginny	Cramer
Bell	Burr	Crowley
Berman	Capito	Culberson
Berry	Capps	Cummings
Biggert	Capuano	Davis (AL)

Davis (CA)	Kilpatrick	Pelosi
Davis (IL)	King (NY)	Peterson (MN)
Davis (TN)	Kirk	Pomeroy
Davis, Jo Ann	Kleccka	Price (NC)
Davis, Tom	Kucinich	Quinn
DeGette	LaHood	Rahall
DeLahunt	Lampson	Rangel
DeLauro	Langevin	Regula
Deutsch	Lantos	Reyes
Dingell	Larsen (WA)	Rodriguez
Doggett	Larson (CT)	Rogers (AL)
Dooley (CA)	LaTourette	Ross
Doyle	Leach	Rothman
Edwards	Lee	Roybal-Allard
Emanuel	Levin	Ruppersberger
Emerson	Lewis (CA)	Rush
Engel	Lewis (GA)	Ryan (OH)
Etheridge	Lipinski	Sabo
Evans	Lowe	Sanchez, Linda
Farr	Lucas (KY)	T.
Fattah	Lucas (OK)	Sanchez, Loretta
Filner	Lynch	Sanders
Forbes	Majette	Sandlin
Ford	Maloney	Schakowsky
Fossella	Manzullo	Schiff
Frank (MA)	Markey	Scott (GA)
Frost	Marshall	Scott (VA)
Gerlach	Matheson	Serrano
Gillmor	McCarthy (MO)	Sherman
Gonzalez	McCarthy (NY)	Skelton
Gordon	McCollum	Slaughter
Graves	McCotter	Smith (TX)
Green (TX)	McDermott	Smith (WA)
Grijalva	McGovern	Snyder
Gutierrez	McHugh	Spratt
Hall	McInnis	Stark
Hastings (FL)	McIntyre	Strickland
Hill	McNulty	Stupak
Hinche	Meehan	Sullivan
Hinojosa	Meek (FL)	Tanner
Hobson	Menendez	Tauscher
Hoeffel	Michaud	Thompson (MS)
Hoekstra	Miller (MI)	Thornberry
Holden	Miller (NC)	Tiberi
Holt	Miller, George	Tierney
Honda	Mollohan	Towns
Hoolley (OR)	Moore	Turner (OH)
Hoyer	Moran (KS)	Turner (TX)
Hunter	Moran (VA)	Udall (CO)
Inslie	Murtha	Udall (NM)
Israel	Nadler	Van Hollen
Istook	Neal (MA)	Velazquez
Jackson (IL)	Northup	Visclosky
Jackson-Lee	Oberstar	Waters
(TX)	Obey	Watt
Janklow	Olver	Waxman
Jefferson	Ortiz	Weiner
John	Ose	Weldon (PA)
Johnson (IL)	Owens	Wexler
Johnson, E. B.	Oxley	Wolf
Kanjorski	Pallone	Wu
Kaptur	Pascrell	Wynn
Kennedy (RI)	Pastor	Young (AK)
Kildee	Payne	Young (FL)

NOT VOTING—39

Bass	Gilchrest	Radanovich
Berkley	Harman	Reynolds
Bono	Hayworth	Ryun (KS)
Brady (TX)	Houghton	Shaw
Calvert	Issa	Shimkus
Castle	Jones (OH)	Solis
Davis (FL)	Kind	Taylor (MS)
DeFazio	Lofgren	Toomey
DeLay	Matsui	Upton
Diaz-Balart, L.	Meeks (NY)	Walden (OR)
Eshoo	Millender-	Watson
Fletcher	McDonald	Woolsey
Foley	Napolitano	
Gepardt	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1921

So the motion was rejected. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 534 on the Flake Motion to instruct con-

ferees on H.R. 1, I was unavoidably detained. Had I been present, I would have voted "no."

**MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT**

Mr. OXLEY. Madam Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; and that all points of order against the conference report and against its consideration be waived.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio? There was no objection.

**AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON ANY QUESTION POSTPONED UNDER CLAUSE 8(a)(2) OF RULE XX CONSIDERED ON WEDNESDAY, OCTOBER 8, 2003, UNTIL WEDNESDAY, OCTOBER 15, 2003**

Mr. OXLEY. Madam Speaker, I ask unanimous consent that the Speaker be authorized to postpone further proceedings on any question postponed under clause 8(a)(2) of rule XX considered on Wednesday, October 8, 2003, until Wednesday, October 15, 2003.

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

There was no objection.

**MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3108, PENSION FUNDING EQUITY ACT OF 2003**

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; the bill shall be considered as read for amendment; the amendment in the nature of a substitute that I have placed at the desk shall be considered as adopted; all points of order against the bill, as amended, are waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: one, 1 hour of debate on the bill, as amended, equally divided and controlled among the chairman and ranking minority member of the Committee