

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 1 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Con. Res. 410, by the yeas and nays.

H. Con. Res. 257, by the yeas and nays.

## RECOGNIZING THE MARSHALL ISLANDS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 410, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 326]

YEAS—379

Abercrombie	Baldwin	Berkley
Ackerman	Ballenger	Berman
Akin	Barrett (SC)	Berry
Alexander	Bartlett (MD)	Biggert
Allen	Barton (TX)	Bilirakis
Andrews	Bass	Bishop (GA)
Baca	Beauprez	Bishop (NY)
Baird	Bell	Bishop (UT)
Baker	Bereuter	Blackburn
		Blumenauer
		Blunt
		Boehert
		Boehner
		Bonilla
		Bonner
		Bono
		Boozman
		Boswell
		Boucher
		Boyd
		Bradley (NH)
		Brady (PA)
		Brady (TX)
		Brown (SC)
		Brown, Corrine
		Brown-Waite,
		Ginny
		Burgess
		Burns
		Burr
		Burton (IN)
		Buyer
		Calvert
		Camp
		Cannon
		Cantor
		Capito
		Capps
		Capuano
		Cardoza
		Carter
		Case
		Castle
		Chabot
		Chandler
		Chocola
		Clay
		Coble
		Cole
		Cooper
		Costello
		Cox
		Cramer
		Crane
		Crenshaw
		Crowley
		Cubin
		Culberson
		Cunningham
		Davis (AL)
		Davis (CA)
		Davis (FL)
		Davis (IL)
		Davis (TN)
		Davis, Jo Ann
		Davis, Tom
		Deal (GA)
		DeFazio
		DeGette
		DeLauro
		DeMint
		Diaz-Balart, L.
		Diaz-Balart, M.
		Dicks
		Dingell
		Doggett
		Dooley (CA)
		Doolittle
		Doyle
		Dreier
		Duncan
		Dunn
		Edwards
		Ehlers
		Emanuel
		Emerson
		English
		Eshoo
		Etheridge
		Evans
		Everett
		Farr
		Fattah
		Feeney
		Ferguson
		Flake
		Foley
		Forbes
		Ford
		Fossella
		Frank (MA)
		Franks (AZ)
		Frelinghuysen
		Frost
		Galleghy
		Garrett (NJ)
		Gerlach
		Gibbons
		Gilchrest
		Gillmor
		Gingrey
		Gonzalez
		Goode
		Goodlatte
		Gordon
		Granger
		Graves
		Green (TX)
		Green (WI)
		Greenwood
		Grijalva
		Gutknecht
		Hall
		Harris
		Hart
		Hastings (WA)
		Hayes
		Hayworth
		Hefley
		Hensarling
		Herger
		Herseth
		Hill
		Hinojosa
		Hobson
		Hoeffel
		Holden
		Holt
		Hooley (OR)
		Hostettler
		Houghton
		Hulshof
		Hunter
		Hyde
		Inslee
		Isakson
		Israel
		Issa
		Istook
		Jackson (IL)
		Jackson-Lee
		(TX)
		Jefferson
		Johnson (CT)
		Johnson (IL)
		Johnson, E. B.
		Johnson, Sam
		Jones (NC)
		Kanjorski
		Kaptur
		Keller
		Kelly
		Kennedy (MN)
		Kennedy (RI)
		Kildee
		Kilpatrick
		Kind
		King (IA)
		King (NY)
		Kingston
		Kirk
		Kline
		Knollenberg
		Kolbe
		Kucinich
		LaHood
		Lampson
		Langevin
		Lantos
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Leach
		Lee
		Levin
		Lewis (CA)
		Lewis (GA)
		Lewis (KY)
		Linder
		Lipinski
		LoBiondo
		Lofgren
		Lucas (KY)
		Lucas (OK)
		Lynch
		Maloney
		Manzullo
		Markey
		Marshall
		Matheson
		Matsui
		McCarthy (MO)
		McCollum
		McCotter
		McCrery
		McDermott
		McGovern
		McHugh
		McKeon
		McNulty
		Meehan
		Meek (FL)
		Meeks (NY)
		Menendez
		Mica
		Michaud
		Millender-
		McDonald
		Miller (FL)
		Miller (MI)
		Miller, Gary
		Miller, George
		Mollohan
		Moore
		Moran (KS)
		Moran (VA)
		Murphy
		Murtha
		Musgrave
		Myrick
		Nadler
		Napolitano
		Neal (MA)
		Nethercutt
		Neugebauer
		Ney
		Northup
		Norwood
		Nunes
		Nussle
		Oberstar
		Obey
		Olver
		Ortiz
		Osborne
		Ose
		Otter
		Owens
		Oxley
		Pallone
		Pastor
		Paul
		Pearce
		Pence
		Petri
		Pickering
		Platts
		Pomeroy
		Porter
		Portman
		Pryce (OH)
		Putnam
		Quinn
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Renzi
		Reyes
		Reynolds
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Ross
		Rothman
		Roybal-Allard
		Royce
		Ruppersberger
		Rush
		Ryan (OH)
		Ryan (WI)
		Ryun (KS)
		Sabo
		Sanchez, Linda
		T.
		Sanchez, Loretta
		Sanders
		Sandlin
		Saxton
		Schakowsky
		Schiff
		Schrock
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Shadegg
		Shaw
		Shays

Sherman	Taylor (MS)	Walsh
Sherwood	Taylor (NC)	Wamp
Shimkus	Terry	Waters
Shuster	Thomas	Watson
Simmons	Thompson (CA)	Watt
Simpson	Thornberry	Waxman
Skelton	Tiahrt	Weiner
Smith (MI)	Tiberi	Weldon (FL)
Smith (TX)	Tierney	Weldon (PA)
Smith (WA)	Toomey	Wexler
Snyder	Towns	Whitfield
Souder	Turner (OH)	Wicker
Spratt	Turner (TX)	Wilson (NM)
Stark	Udall (NM)	Wilson (SC)
Stearns	Upton	Wolf
Strickland	Van Hollen	Woolsey
Stupak	Velázquez	Wu
Sullivan	Visclosky	Wynn
Tanner	Vitter	Young (AK)
Tauscher	Walden (OR)	

## NOT VOTING—54

Aderholt	Gutierrez	Payne
Bachus	Harman	Pelosi
Becerra	Hastings (FL)	Peterson (MN)
Brown (OH)	Hinchey	Peterson (PA)
Cardin	Hoekstra	Pitts
Carson (IN)	Honda	Pombo
Carson (OK)	Hoyer	Price (NC)
Clyburn	Jenkins	Slaughter
Collins	John	Smith (NJ)
Conyers	Jones (OH)	Solis
Cummings	Kleczka	Stenholm
Delahunt	Lowe	Sweeney
DeLay	Majette	Tancred
Deutsch	McCarthy (NY)	Tauzin
Engel	McInnis	Thompson (MS)
Filner	McIntyre	Udall (CO)
Gephardt	Miller (NC)	Weller
Goss	Pascrell	Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1853

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 326, I was unavoidably detained in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 326 on H. Con. Res. 410, the Marshall Islands I was unavoidably detained. Had I been present, I would have voted "yea."

## EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 257.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 1, not voting 51, as follows:

[Roll No. 327]

## YEAS—381

Abercrombie Dooley (CA) Kolbe  
Ackerman Doolittle Kucinich  
Akin Doyle LaHood  
Alexander Dreier Lampson  
Allen Duncan Langevin  
Andrews Dunn Lantos  
Baca Edwards Larsen (WA)  
Bachus Ehlers Larson (CT)  
Baird Emanuel Latham  
Baker Emerson LaTourette  
Baldwin English Leach  
Ballenger Eshoo Lee  
Barrett (SC) Etheridge Levin  
Bartlett (MD) Evans Lewis (CA)  
Barton (TX) Everett Lewis (GA)  
Bass Farr Lewis (KY)  
Beauprez Fattah Linder  
Bell Feeney Lipinski  
Bereuter Ferguson LoBiondo  
Berkley Flake Lofgren  
Berman Foley Lowey  
Berry Forbes Lucas (KY)  
Biggert Ford Lucas (OK)  
Bilirakis Fossella Lynch  
Bishop (GA) Frank (MA) Maloney  
Bishop (NY) Franks (AZ) Manzullo  
Bishop (UT) Frelinghuysen Markey  
Blackburn Frost Marshall  
Blumenauer Gallegly Matheson  
Blunt Garrett (NJ) Matsui  
Boehlert Gerlach McCarthy (MO)  
Boehner Gibbons McCollum  
Bonilla Gilchrest McCotter  
Bonner Gillmor McCrery  
Bono Gingrey McDermott  
Boozman Gonzalez McGovern  
Boswell Goode McHugh  
Boucher Goodlatte McKeon  
Boyd Gordon McNulty  
Bradley (NH) Granger Meehan  
Brady (PA) Graves Meek (FL)  
Brady (TX) Green (TX) Meeks (NY)  
Brown (SC) Green (WI) Menendez  
Brown, Corrine Greenwood Mica  
Brown-Waite, Grijalva Michaud  
Ginny Gutknecht Millender-  
Burgess Hall McDonald  
Burns Harris Miller (FL)  
Burr Hart Miller (MI)  
Burton (IN) Hastings (WA) Miller (NC)  
Buyer Hayes Miller, Gary  
Calvert Hayworth Miller, George  
Camp Hefley Molohan  
Cannon Hensarling Moore  
Cantor Herger Moran (KS)  
Capito Herseith Moran (VA)  
Capps Hill Murphy  
Capuano Hinojosa Murtha  
Cardoza Hobson Musgrave  
Carter Hoeffel Myrick  
Case Holden Nadler  
Castle Holt Napolitano  
Chabot Hooley (OR) Neal (MA)  
Chandler Hostettler Nethercutt  
Chocola Houghton Neugebauer  
Clay Hulshof Ney  
Coble Hyde Northup  
Cole Inslee Norwood  
Conyers Isakson Nunes  
Cooper Israel Nussle  
Costello Issa Oberstar  
Cox Istook Obey  
Cramer Jackson (IL) Oliver  
Crane Jackson-Lee Ortiz  
Crenshaw (TX) Osborne  
Crowley Jefferson Ose  
Cubin Johnson (CT) Otter  
Culberson Johnson (IL) Owens  
Cunningham Johnson, E. B. Oxley  
Davis (AL) Johnson, Sam Pallone  
Davis (CA) Jones (NC) Pastor  
Davis (FL) Kanjorski Paul  
Davis (IL) Kaptur Pearce  
Davis (TN) Keller Pence  
Davis, Jo Ann Kelly Petri  
Davis, Tom Kennedy (MN) Pickering  
Deal (GA) Kennedy (RI) Platts  
DeFazio Kildee Pomeroy  
DeGette Kilpatrick Porter  
DeLauro Kind Portman  
DeMint King (IA) Price (NC)  
Diaz-Balart, L. King (NY) Pryce (OH)  
Diaz-Balart, M. Kingston Putnam  
Dicks Kirk Quinn  
Dingell Kline Radanovich  
Doggett Knollenberg Rahall

Ramstad Scott (VA) Tierney  
Rangel Sensenbrenner Toomey  
Regula Serrano Towns  
Rehberg Sessions Turner (OH)  
Renzi Shadegg Turner (TX)  
Reyes Shaw Udall (NM)  
Reynolds Shays Upton  
Rodriguez Sherman Van Hollen  
Rogers (AL) Sherwood Velázquez  
Rogers (KY) Shimkus Visclosky  
Rogers (MI) Shuster Vitter  
Rohrabacher Simmons Walden (OR)  
Ros-Lehtinen Simpson Walsh  
Ross Skelton Wamp  
Rothman Smith (MI) Waters  
Roybal-Allard Smith (TX) Watson  
Royce Smith (WA) Watt  
Ruppersberger Snyder Waxman  
Rush Souder Weiner  
Ryan (OH) Spratt Wolf  
Ryan (WI) Stark Weldon (FL)  
Ryun (KS) Stearns Weldon (PA)  
Sabo Strickland Wexler  
Sánchez, Linda Stupak Whitfield  
T. Tanner Wicker  
Sanchez, Loretta Tauscher Wilson (NM)  
Sanders Taylor (MS) Wilson (SC)  
Sandlin Terry Wolf  
Saxton Thomas Woolsey  
Schakowsky Thompson (CA) Wu  
Schiff Thornberry Wynn  
Schrook Tiahrt Young (AK)  
Scott (GA) Tiberi

## NAYS—1

Taylor (NC)

## NOT VOTING—51

Aderholt Harman Pelosi  
Becerra Hastings (FL) Peterson (MN)  
Brode Hinchey Peterson (PA)  
Cardin Hoekstra Pitts  
Carson (IN) Honda Pombo  
Carson (OK) Hoyer Slaughter  
Clyburn Hunter Smith (NJ)  
Collins Jenkins Solis  
Cummings John Stenholm  
Delahunt Jones (OH) Sullivan  
DeLay Kleczka Sweeney  
Deutsch Majette Tancredo  
Engel McCarthy (NY) Tauzin  
Filner McInnis Thompson (MS)  
Gephardt McIntyre Udall (CO)  
Goss Pascrell Weller  
Gutierrez Payne Young (FL)

## 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.

□ 1910

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. Madam Speaker, during rollcall vote No. 327 on H. Con. Res. 257 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Madam Speaker, on rollcall No. 327, I was unavoidably detained in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. COLLINS. Madam Speaker, I was not present for debate on the Energy and Water Appropriations for Fiscal Year 2005 (H.R. 4614), rollcall vote 320, a vote on the Previous Question; rollcall vote 321, an amendment by SANDERS; rollcall vote 322, an amendment by WILSON (NM); rollcall vote 323, an amendment

by MEEHAN; rollcall vote 324, an amendment by HEFLEY; rollcall vote 325, final passage for H.R. 4614. Additionally, I was not present for rollcall vote 326, Recognizing the Marshall Islands (H. Con. Res. 410); and rollcall vote 327, Presidential Medal of Freedom to Harry Colmery (H. Con. Res. 257).

Had I been present, I would have voted "yea" for rollcall votes 320, 324, 325, 326, and 327. I would have voted "nay" on rollcall votes 321, 322, and 323.

## JUST WHAT THIS COUNTRY NEEDS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Madam Speaker, the Democrats have chosen a trial lawyer as their vice presidential nominee. Now that is just what this country needs, a trial lawyer in the second most powerful position in the United States. That is just what America needs, a well-positioned trial lawyer who can make certain we sue more health care providers, sue more hospitals and drug companies. That is just what America needs, a trial lawyer who can ensure we sue more manufacturers and corporations.

If trial lawyers have not driven our health care costs out of sight and our job overseas, we need to give them a better platform to finish the job.

Let us be frank, Madam Speaker, America needs a trial lawyer at the helm like Custer needed another Indian at Big Horn. However, there might be a bright side to having more trial lawyers in Washington, since the courts have given terrorists the right to have their own lawyers. At least now we will have something positive for more trial lawyers to do here.

## UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-199)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Australia Free Trade Agreement (FTA). This Agreement adds an important dimension to our bilateral relationship with a steadfast ally in the global economic and strategic arena. This FTA will enhance the prosperity of the people of the United States and Australia, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is committed to securing a level playing field and creating opportunities for America's workers, farmers, and businesses. The