

King (IA)	Murphy	Schwarz (MI)
King (NY)	Murtha	Scott (GA)
Kirk	Musgrave	Scott (VA)
Kline	Myrick	Serrano
Knollenberg	Nadler	Sessions
Colbe	Napolitano	Shaw
Kucinich	Neal (MA)	Shays
Kuhl (NY)	Ney	Sherman
LaHood	Northup	Sherwood
Langevin	Norwood	Shimkus
Lantos	Nunes	Shuster
Larsen (WA)	Oberstar	Simmons
Larson (CT)	Obeys	Simpson
Latham	Olver	Skelton
LaTourette	Ortiz	Slaughter
Leach	Otter	Smith (NJ)
Lee	Owens	Smith (TX)
Levin	Oxley	Smith (WA)
Lewis (CA)	Pallone	Snyder
Lewis (GA)	Pascarella	Sodrel
Lewis (KY)	Pastor	Solis
Linder	Pearce	Spratt
Lipinski	Pelosi	Stark
LoBiondo	Pence	Stearns
Lofgren, Zoe	Peterson (MN)	Stupak
Lowey	Peterson (PA)	Sullivan
Lucas	Petri	Tancredo
Lungren, Daniel E.	Pickering	Tanner
Lynch	Pitts	Tauscher
Mack	Platts	Taylor (MS)
Maloney	Pombo	Taylor (NC)
Manzullo	Pomeroy	Terry
Marchant	Porter	Thomas
Markey	Price (GA)	Thompson (CA)
Marshall	Price (NC)	Thompson (MS)
Matheson	Pryce (OH)	Tiahrt
Matsui	Putnam	Tiberi
McCarthy	Radanovich	Tierney
McCaull (TX)	Rahall	Towns
McCullom (MN)	Ramstad	Turner
McCotter	Rangel	Udall (CO)
McCrary	Regula	Udall (NM)
McDermott	Rehberg	Upton
McGovern	Reichert	Van Hollen
McHenry	Renzi	Velázquez
McHugh	Reyes	Walden (OR)
McIntyre	Reynolds	Walsh
McKeon	Rogers (AL)	Wamp
McKinney	Rogers (KY)	Wasserman
McMorris	Rogers (MI)	Schultz
McNulty	Rohrabacher	Waters
Meehan	Ros-Lehtinen	Watson
Meek (FL)	Ross	Watt
Meeks (NY)	Rothman	Waxman
Melancon	Royal-Allard	Weiner
Mica	Ruppersberger	Weldon (FL)
Michaud	Ryan (OH)	Weldon (PA)
Millender-McDonald	Ryan (WI)	Weller
Miller (FL)	Ryun (KS)	Westmoreland
Miller (MI)	Sabo	Wexler
Miller (NC)	Salazar	Whitfield
Miller, Gary	Sánchez, Linda T.	Wicker
Miller, George	Sanchez, Loretta	Wilson (NM)
Mollohan	Sanders	Wilson (SC)
Moore (KS)	Saxton	Wolf
Moore (WI)	Schakowsky	Woolsey
Moran (KS)	Schiff	Wu
Moran (VA)	Schmidt	Wynn
	Schwartz (PA)	Young (AK)
		Young (FL)

## NAYS—14

Conaway	Hoekstra	Royce
Flake	Kingston	Sensenbrenner
Franks (AZ)	Neugebauer	Shadegg
Garrett (NJ)	Paul	Thornberry
Gohmert	Poe	

## NOT VOTING—21

Bishop (UT)	Ford	Payne
Boren	Gilchrest	Rush
Buyer	Green (WI)	Souder
Carson	Jackson-Lee	Strickland
Chandler	(TX)	Sweeney
Davis (FL)	Jones (OH)	Visclosky
Davis (TN)	Nussle	
Evans	Osborne	

□ 1919

Mr. POE changed his vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the 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.

## PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably detained in my home district and unable to record my vote for rollcall votes 111–113. Had I been present I would have voted "yea."

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move 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. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move 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. 2830 be instructed to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(1) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(2) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is,

with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(3) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

## GAS PRICES

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, it is business as usual for Congress today. Democrats are bemoaning the rising energy prices, while Republicans are looking for solutions. Democrats have done a lot of complaining about energy prices, but when it comes to offering ideas and solutions and ways to get out of this, they are noticeably silent.

Time and time again, Republicans have offered solutions to our Nation's energy crisis. We will have two bills up just this week. But the Democrats continue to say no. No to renewable fuels and nuclear energy, no to opening up resources in the ANWR, no to refineries, no to pipelines, no to cracking down on price gouging, no to a comprehensive energy policy.

Mr. Speaker, it is time the Democrats realize that no is not an energy policy. Democrats want a campaign issue; Republicans want a solution. Republicans once again are offering the American people a clear choice; Democrats, obstruction.

## "FIRST" ROBOTICS COMPETITION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, this past Friday I had a wonderful opportunity to witness, firsthand, America's innovative spirit in action. An organization named For Inspiration and Recognition of Science and Technology, FIRST, held its 15th annual Robotic Competition Championship in Atlanta.

Founded in 1989 by Dean Kamen, FIRST is a world-renowned organization that promotes the study and application of science, math, engineering and technology. Over the 3 days of competition, 28,000 participants from seven different countries took part, including students from Wheeler High School in my own district. During the events, students were immersed in an intense competitive environment where they employed innovative solutions to solve real-life engineering problems in a sports-like activity. Teamwork, ingenuity, flexibility and cooperation are all rewarded.

In a continually evolving and competitive global market, Americans

must work to retain our time-honored spirit of scientific leadership. Math and science are invaluable pillars of a strong education; and our schools, in coordination with organizations like FIRST, will ensure the creation of a new generation of world leaders, but only if we are proactively committed.

#### PRICE OF GASOLINE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the price of gasoline is \$3 a gallon. Americans want answers, and they want solutions. According to the American Petroleum Institute, the nationwide average of tax on gasoline is 45 cents a gallon. This is split between State and Federal governments. The oil companies make about 9 cents a gallon on gasoline, so Washington, D.C., makes more off a gallon of gasoline than the oil companies.

Congress should consider suspending part of the gasoline tax for a period of time to lower gasoline prices. Gasoline prices are going up because OPEC controls 50 percent of the world's crude and is driving up the price of gasoline. The U.S. needs to be drilling offshore. Now we only drill off the coast of Texas, Louisiana, and Alabama. There is crude out there in our gulf coast and east coast and even the sacred west coast.

We can't have it both ways: Refuse to drill offshore and have cheaper gasoline prices. It is not going to work. We can drill safely offshore, and we need to do so to prevent being held hostage by third-world countries. Mr. Speaker, that's just the way it is.

#### CHILD SAFETY ACT

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to thank the hardworking law enforcement that have captured an escaped child sexual predator, Michael Benson, making our family safer. I commend John Walsh and his program, America's Most Wanted, on their 888th criminal apprehension out there making sure that we are putting these predators behind bars.

But 8 months ago, we passed the Child Safety Act; and in the Child Safety Act we have provisions that keeps our families, our children safer. Yet it is being obstructed in the Senate. It is time for us to move forward, pass this legislation that is so vital to our children's protection. I call for action and call on my colleagues to join me.

□ 1930

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the

Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PHARMACIES ARE IN TROUBLE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to claim the gentleman's time.

The SPEAKER pro tempore. Without objection, the gentleman from Kansas is recognized for 5 minutes.

There was no objection.

Mr. MORAN of Kansas. Mr. Speaker, much of what I am about in Congress is about the fight to preserve and enhance the opportunities that exist in rural America. My goal, among others, as a Member of Congress is to see that there is a future for the communities and the people who live there across my State. I represent one of the most rural districts in the country. A component of that is to make certain that the citizens of those rural communities can access adequate and affordable health care.

We often think of health care as a hospital or a physician. Tonight I rise with great concern about a development across our country and especially in rural America that is occurring in regard to the loss of community pharmacy. We are beginning the process of losing that Main Street business and that health care provider, the community pharmacist.

In many communities across my State, and I am sure it is true around the country, that community pharmacist is struggling and the doors are beginning to close. Examples: today in Kansas, southeast Kansas, the population less than a thousand people, that pharmacist is closed for the last 4 months, no other pharmacist in the community. The next pharmacy is 30-35 miles away. This has an impact not only upon the hospitals and doctors in that area, but clearly an impact upon the community members, the patrons of that pharmacy, those who rely upon the health care to be delivered by that pharmacist.

My own father, 90 years old, rarely sees a doctor because if you see a doctor, that doctor will tell you something is wrong with him, and he does not want to know that. But he relies upon his community pharmacist because he is there drinking a cup of coffee to put the blood pressure cuff on his arm and provide him advice and suggestions about a healthy life.

That community pharmacist is an important component of our business community, and it is a way we deliver

health care in communities across our country.

Due to the consequences of the prescription drug bill part D, our community pharmacist's future is bleak. In part it is due to the lack of timeliness of the payments that are occurring. The average wait in Kansas is 45-60 days. When I was in Leoti, Kansas, in March, and Leoti is a community of about 900 people, that community pharmacist had not been reimbursed for one prescription drug bill delivered to a senior since January 1.

Almost all pharmacists in my district and across the State have had to take out a line of credit just to stay in business. I want to highlight a bill that has been introduced by the gentleman from North Carolina (Mr. JONES) and by the gentleman from Arkansas (Mr. BERRY) and a bill by the gentleman from Mississippi (Mr. WICKER) that would require those sponsors of those drug plans to promptly pay the submitted claims.

It is unacceptable that a pharmacist would have to wait 2 months to be paid for the bills, and it is unacceptable because it is wrong. It is not the right thing to do, but it is a terrible occurrence because it means the demise of his or her business.

In addition to that, almost all pharmacists lose money on the prescriptions they fill under the Medicare plan part D, and the sponsors of those plans allow almost no negotiating room for those pharmacists. We need to change that. I would highlight a bill that I and the gentleman from New York (Mr. WEINER) have introduced, the Community Pharmacy Fairness Act, to give independent pharmacists the freedom to ban together to negotiate with drug manufacturers.

Time is of the essence. Pharmacist Kody Krein from St. Francis, Kansas, he grew up in that town. His life goal was to return to St. Francis as a community pharmacist. He has given us until July 1 and then he will make a decision whether he can continue as the sole pharmacist in that town. His three kids are in the school system in St. Francis, Kansas. It would be a terrible thing to lose that community pharmacist, to lose his family, and to lose that man's hope for a career in his hometown. That does not happen enough in rural America where a young son or young daughter actually is returning home to the family community. There is no pharmacist in the St. Francis area for 35 miles. We have a short period of time before we can correct this.

You may say this is a handful of examples. I am exercised about this issue. It is troublesome to me that this Congress, this place, Washington, D.C., has become so political that we cannot address this issue, that if an issue is brought to the floor that we are fearful that the Democrats will make an issue of it, that we have come to the point where nothing is done because there are political consequences to the issue even being discussed.