

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
Hinchey
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)
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
Bono
Brady (TX)
Calvert
Castle
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
Putnam

Radanovich
Reynolds
Ryun (KS)
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