

which a budget resolution has yet to be finalized, the amendment violates section 303(a)(2) of the Act."

Mr. CARDIN appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. ARMEY moved to lay the appeal on the table.

The question being put, viva voce, Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. KOLBE, announced that the yeas had it.

Mr. ACKERMAN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 222 Nays 204

74.9

[Roll No. 337] AYES—222

Table listing names of members voting AYES for Roll No. 337, including Aderholt, Archer, Arme, Bachus, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Brady (TX), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combest, Cook, Cooksey, Cox, Crane, Crapo, Cubin, Cunningham, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Foley, Fossella, Fowler, Fox, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gilman, Gingrich, Goodlatte, Goodling, Goss, Graham, Granger, Greenwood, Gutknecht, Hansen, Hastert, Hastings (WA), Hayworth, Heffley, Herger, Hill, Hillery, Hobson, Hoekstra, Horn, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, Johnson, Sam Jones, Kasich, Kelly, Kim, King (NY), Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourrette, Lazio, Leach, Lewis (CA), Lewis (KY), Livingston, LoBiondo, Lucas, Manzullo, McCollum, McCreary, McDade, McHugh, McInnis, McIntosh, McKeon, McKeon, Meece, Mica, Miller (FL), Moran (KS), Morella, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oxley, Packard, Pappas, Parker, Paul, Paxon, Pease, Peterson (PA), Petri, Pickering, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Ramstad, Redmond, Regula, Riggs, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sanford, Saxton, Scarborough, Schaefer, Dan Schaffer, Bob Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Shimkus, Shuster, Skeen, Smith (MI), Smith (NJ)

Table listing names of members voting NOES-204, including Smith (OR), Smith (TX), Smith, Linda Snowbarger, Solomon, Souder, Spence, Stearns, Stump, Sununu, Talent, Tauzin, Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Upton, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weller, White, Whitfield, Wicker, Wilson, Wolf, Young (AK)

NOES—204

Table listing names of members voting NOES-204, including Abercrombie, Ackerman, Allen, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boucher, Boyd, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Carlson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Forbes, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Goode, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (WI), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Lee, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Martine, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Millender-McDonald, Miller (CA), Minge, Mink, Moakley, Mollohan, Moran (VA), Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson, Thurman, Tierney, Torres, Towns, Traficant, Turner, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Waxler, Weygand, Wise, Woolsey, Wynn

NOT VOTING—9

Table listing names of members NOT VOTING, including Ford, Gillmor, Gonzalez, Johnson (CT), Linder, Markey, Weldon (PA), Yates, Young (FL)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. BERRY moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendments:

Page 38, beginning on line 9, strike "does not meet the plan's requirements for medical appropriateness or necessity" and insert "is not medically necessary and appropriate".

Page 39, beginning on line 16, strike "does not meet the plan's requirements for medical appropriateness or necessity" and insert "is not medically necessary and appropriate".

Page 48, beginning on line 17, strike "does not meet the plan's requirements for medical appropriateness or necessity" and insert "is not medically necessary and appropriate".

Page 53, beginning on line 17, strike "meets, under the facts and circumstances at the time of the determination, the plan's requirement for medical appropriateness or necessity" and insert "is, under the facts and circumstances at the time of the determination, medically necessary and appropriate".

Page 60, line 17, strike all that follows the first period.

Page 60, after line 17, insert the following new subparagraph:

"(V) MEDICAL NECESSITY AND APPROPRIATENESS.—The term 'medically necessary and appropriate' means, with respect to an item or service, an item or service determined by the treating physician (who furnishes items and services under a contract or other arrangement with the group health plan or with a health insurance issuer providing health insurance coverage in connection with such a plan), after consultation with a participant or beneficiary, to be required, according to generally accepted principles of good medical practice, for the diagnosis or direct care and treatment of an illness or injury of the participant or beneficiary."

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. KOLBE, announced that the nays had it.

Mr. BERRY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas 205 Nays 221

74.10

[Roll No. 338] YEAS—205

Table listing names of members voting YEAS-205, including Abercrombie, Ackerman, Allen, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boucher, Boyd, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Forbes, Fox, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Goode, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamilton, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden