

Mr. HOYER. Mr. Speaker, was that the rule that the distinguished Robert Walker of Pennsylvania raised such cane about and was so angry about and felt that Jim Wright was so out of order about when he held the vote open? Is that the rule, Mr. Speaker?

The SPEAKER pro tempore. The gentleman did not state a further parliamentary inquiry.

The Chair would further note, from House Practice, chapter 58, section 20, that the Chair has the discretion either to close a vote and to announce the result at any time after 15 minutes have elapsed or may allow additional time for Members to record their votes before announcing the result.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, listening to the Chair's recitation of the rule, would that mean that the Chair now has the authority to close this vote and express the will of the House of Representatives as reflected on the board?

The SPEAKER pro tempore. The Chair would again state to the gentleman that the Chair has the discretion either to close a vote and announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. FRANK of Massachusetts. The question is not whether the Chair has the discretion but whether or not he has the integrity and courage to do so.

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, could I inquire if anyone from the attending physician is present? I understand someone's arm is being broken.

□ 2101

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 206, not voting 18, as follows:

[Roll No. 491]
YEAS—210

Aderholt	Gilchrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Pearce
Baker	Goode	Pence
Ballenger	Goodlatte	Peterson (PA)
Barrett (SC)	Goss	Petri
Bartlett (MD)	Granger	Pickering
Barton (TX)	Green (WI)	Pitts
Bass	Greenwood	Pombo
Beauprez	Gutknecht	Porter
Bereuter	Harris	Portman
Bilirakis	Hart	Pryce (OH)
Bishop (UT)	Hastings (WA)	Putnam
Blackburn	Hayes	Quinn
Blunt	Hayworth	Radanovich
Boehner	Hefley	Regula
Bonilla	Hensarling	Reberg
Bonner	Herger	Renzi
Bono	Hobson	Reynolds
Boozman	Hostettler	Rogers (AL)
Bradley (NH)	Houghton	Rogers (KY)
Brady (TX)	Hulshof	Rogers (MI)
Brown (SC)	Hunter	Rohrabacher
Brown-Waite,	Hyde	Ros-Lehtinen
Ginny	Isakson	Ryan (WI)
Burgess	Issa	Ryun (KS)
Burns	Istook	Saxton
Burton (IN)	Jenkins	Schrock
Buyer	Johnson (CT)	Sensenbrenner
Calvert	Johnson, Sam	Sessions
Camp	Jones (NC)	Shadegg
Cannon	Kelly	Shaw
Cantor	Kennedy (MN)	Shays
Capito	King (IA)	Sherwood
Carter	King (NY)	Shimkus
Castle	Kingston	Shuster
Chabot	Kirk	Smith (MI)
Chocola	Kline	Smith (NJ)
Cole	Knollenberg	Smith (TX)
Collins	Kolbe	Souder
Cox	LaHood	Stearns
Crane	Latham	Sullivan
Crenshaw	LaTourrette	Sweeney
Cubin	Lewis (CA)	Tancredo
Culberson	Lewis (KY)	Tauzin
Cunningham	Linder	Taylor (NC)
Davis, Jo Ann	Lipinski	Terry
Davis, Tom	Lucas (OK)	Thomas
Deal (GA)	Manzullo	Thornberry
DeLay	McCotter	Tiahrt
DeMint	McCrery	Toomey
Diaz-Balart, L.	McHugh	Tubi
Diaz-Balart, M.	McInnis	Turner (OH)
Doolittle	McKeon	Upton
Dreier	Mica	Vitter
Dunn	Miller (FL)	Walden (OR)
Ehlers	Miller (MI)	Walsh
English	Miller, Gary	Wamp
Everett	Moran (KS)	Weldon (FL)
Feeney	Murphy	Weldon (PA)
Ferguson	Musgrave	Weller
Flake	Myrick	Whitfield
Fletcher	Nethercutt	Wicker
Foley	Neugebauer	Wilson (NM)
Forbes	Ney	Wilson (SC)
Franks (AZ)	Northup	Wolf
Frelinghuysen	Norwood	Young (AK)
Gallegly	Nunes	Young (FL)
Garrett (NJ)	Nussle	
Gerlach	Osborne	
Gibbons	Ose	

NAYS—206

Abercrombie	Brown (OH)	DeGette
Ackerman	Brown, Corrine	Delahunt
Alexander	Burr	DeLauro
Allen	Capps	Deutsch
Andrews	Capuano	Dicks
Baca	Cardin	Dingell
Baird	Cardoza	Doggett
Baldwin	Carson (IN)	Dooley (CA)
Ballance	Carson (OK)	Doyle
Becerra	Case	Duncan
Bell	Clay	Edwards
Berkley	Clyburn	Emanuel
Berman	Conyers	Engel
Berry	Cooper	Eshoo
Biggert	Costello	Etheridge
Bishop (GA)	Cramer	Evans
Bishop (NY)	Crowley	Farr
Blumenauer	Davis (AL)	Fattah
Boehert	Davis (CA)	Filner
Boswell	Davis (FL)	Frank (MA)
Boucher	Davis (IL)	Frost
Boyd	Davis (TN)	Gonzalez
Brady (PA)	DeFazio	Gordon

Green (TX)	Maloney	Ross
Grijalva	Markey	Rothman
Gutierrez	Marshall	Roybal-Allard
Hall	Matheson	Ruppersberger
Harman	Matsui	Rush
Hastings (FL)	McCarthy (MO)	Ryan (OH)
Hill	McCarthy (NY)	Sabo
Hinchey	McCollum	Sanchez, Linda
Hinojosa	McDermott	T.
Hoeffel	McGovern	Sanchez, Loretta
Holden	McIntyre	Sanders
Holt	McNulty	Sandlin
Honda	Meehan	Schakowsky
Hooley (OR)	Meek (FL)	Schiff
Hoyer	Meeks (NY)	Scott (GA)
Inlee	Menendez	Scott (VA)
Israel	Michaud	Sherman
Jackson (IL)	Millender-	Simmons
Jackson-Lee	McDonald	Skelton
(TX)	Miller (NC)	Slaughter
Jefferson	Miller, George	Smith (WA)
John	Mollohan	Snyder
Johnson (IL)	Moore	Solis
Johnson, E. B.	Moran (VA)	Spratt
Jones (OH)	Murtha	Stark
Kanjorski	Nadler	Stenholm
Kaptur	Napolitano	Strickland
Kennedy (RI)	Neal (MA)	Stupak
Kildee	Oberstar	Tanner
Kilpatrick	Obey	Tauscher
Kind	Olver	Taylor (MS)
Kleczka	Ortiz	Thompson (CA)
Lampson	Owens	Thompson (MS)
Langevin	Pallone	Tierney
Lantos	Pascrell	Turner (TX)
Larsen (WA)	Pastor	Udall (NM)
Larson (CT)	Paul	Van Hollen
Leach	Payne	Visclosky
Lee	Pelosi	Waters
Levin	Peterson (MN)	Watson
Lewis (GA)	Platts	Watt
LoBiondo	Pomeroy	Waxman
Lofgren	Price (NC)	Weiner
Lowey	Rahall	Wexler
Lucas (KY)	Ramstad	Wu
Lynch	Reyes	Wynn
Majette	Rodriguez	

NOT VOTING—18

Coble	Graves	Serrano
Cummings	Hoekstra	Simpson
Emerson	Janklow	Towns
Ford	Keller	Udall (CO)
Fossella	Kucinich	Velazquez
Gephardt	Rangel	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2117

Ms. KILPATRICK changed her vote from "yea" to "nay."

Mr. MILLER of Florida changed his vote from "nay" to "yea."

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the time to resume proceedings on the motion to instruct conferees offered by the gentleman from Maryland (Mr. RUPPERSBERGER) is redesignated as tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 108-267) on the resolution (H. Res. 360) providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. The form of the motion is as follows:

Mr. EDWARDS moves 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. 1588 be instructed to agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

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

Mr. MICHAUD. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. The form of the motion is as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.
2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. The form of the motion is as follows:

Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provi-

sion of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

LIMITING NONECONOMIC MEDICAL LIABILITY DAMAGES

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

Mr. BURGESS. Mr. Speaker, this Saturday voters in my district will go to the polls and vote on an amendment to the Texas State Constitution to limit noneconomic damages in medical liability lawsuits.

Here in the House of Representatives, we passed H.R. 5 in the hopes of accomplishing the same goal last March, but the other body so far has failed to act. Texas voters will most likely approve this Constitutional amendment. I will be among the group voting in favor of this amendment.

So is a national solution still necessary? The answer is a very firm yes.

Mr. Speaker, this summer I was in Nome, Alaska, and I talked to the doctors of the hospital there. They are unable to have an anesthesiologist on their medical staff because they cannot afford the liability insurance policy for an anesthesiologist. This means that the doctors in that hospital who practice obstetrics must send their patients to Anchorage, Alaska, for C-sections. Mr. Speaker, that is a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is occasionally disagreeable.

At Columbia University, the head of the residency program told me she had far fewer candidates for OB-GYN residencies than in years past, largely because of the liability crisis throughout the country. In fact, the head of that program went on to say they are now making candidates that they

would not have even considered for an interview 5 years ago.

While some States may have had the foresight and found a solution to the crisis, this remains a national problem requiring a national solution. The House has acted. The other body has not. Mr. Speaker, how can they do that.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN CRITICISM

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

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues are paying attention to this 5-minute Special Order because there are a couple of things that should be brought to Members' attention in this body and the other body. The first one is the Saudi Arabian government has been and continues to be, in my opinion, complicitous in terrorist activities involving Americans abroad and here at home. The Saudi Royal Family, according to reports I have been made aware of, have been conduits or had conduits give money to terrorists and funded terrorist activities. And I think everybody in America knows that 15 of the 17 terrorists that attacked the World Trade Center were Saudis.

It seems to me incumbent upon our government to put pressure on the Saudi government to be a friend of the United States instead of an enemy. We should do everything we can to stop the Saudis from funding terrorist activities on the West Bank and Gaza in Israel. Toward that end, I hope that our Secretary of State, Colin Powell, might be paying attention to what I am saying tonight because it is important that our State Department deal with that on an every day, ongoing basis, to keep pressure on the Saudis to bring about positive change.

I know that we get an awful lot of our energy supplies from that part of the world, and Saudi Arabia supplies a lot of that, but that does not give them the right to support terrorism that threatens our friends in Israel or the people of the United States.

The second thing I would like to say is that there was a story, an editorial comment printed in Al Akhram, the official Egyptian daily newspaper this last week, and I would like to read what was said by the Egyptians toward the United States about the United States, and this is the official organ of the Egyptian government, their newspaper. This piece attacks the Americans over Iraq calling Americans cannibals. This is the government of Egypt speaking, prehistoric animals who feel