

The Court held that DOD violated the statutory requirement and directed DOD to base the salaries on current salaries paid to state-side teachers. The Court also granted the plaintiffs entitlement to recover money damages. A judgment in the District Court on June 30, 1975, provided backpay for the plaintiffs for the period from April 14, 1966, to the date of that judgment.

Out of 23,000 potential plaintiffs, only Mr. Trecosta had previously brought an action in the Court of Claims which was denied. But for his suit, he would have been included in the plaintiff-class in March. Furthermore, he could have been paid administratively. The GAO denied his claim, stating that the matter was res judicata and therefore his final Court of Claims judgment barred any further claim arising out of the matters involved in the case.

No one else is in Mr. Trecosta's position. He was the only teacher who challenged DOD's practices, and was excluded from the class due to that challenge.

When the Senate did not move the House passed bill in the 104th Congress, Mr. Trecosta was encouraged to pursue his bill in the Senate first in subsequent Congresses. In 1999, the Senate referred his claim to the Court of Federal Claims, which determined that he should be paid the back pay as a matter of equity. Only now, after receiving that decision, has the Senate passed S. 2042 for Mr. Trecosta.

First as a private bill objector for many years, and now as the Chairman of the Judiciary Committee, I have always insisted on the processing of private bills through regular order and deviate from that policy in this one instance due to the unique details of the situation. This bill previously passed the House under regular order. It was not only a Meritorious Claims Act referral, but it now also has the blessing of the Court of Federal Claims. This man has already been through a lot, for a long time, to have his claim resolved. I have checked with the Ranking Member of the Judiciary Committee, Mr. CONYERS, and the Republican and Democratic private bill objectors, Mr. COBLE, Mr. CHABOT, Mrs. BLACKBURN, Mr. BOUCHER, Mr. SCHIFF, and Mr. GRIJALVA, and they have all agreed that this procedure is appropriate under these unusual circumstances. I appreciate their cooperation. I urge my colleagues to adopt the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2042, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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:

Concur in Senate amendment to H.R. 1417, by the yeas and nays; and S. 2302, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

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The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1417.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1417, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 532]  
YEAS—407

Abercrombie	Capuano	Etheridge
Ackerman	Cardin	Evans
Aderholt	Cardoza	Everett
Akin	Carson (IN)	Farr
Alexander	Carson (OK)	Fattah
Allen	Carter	Ferguson
Andrews	Case	Filner
Baca	Castle	Flake
Bachus	Chabot	Foley
Baird	Chandler	Forbes
Baker	Chocola	Ford
Baldwin	Clyburn	Fossella
Ballenger	Coble	Frank (MA)
Barrett (SC)	Cole	Franks (AZ)
Bartlett (MD)	Collins	Frelinghuysen
Barton (TX)	Conyers	Frost
Bass	Cooper	Gallely
Beauprez	Cooper	Garrett (NJ)
Becerra	Costello	Gerlach
Bell	Cox	Gibbons
Berkley	Cramer	Gilchrest
Berman	Crane	Gillmor
Berry	Creshaw	Gingrey
Biggert	Crowley	Gonzalez
Bilirakis	Culberson	Goode
Bishop (GA)	Cummings	Goodlatte
Bishop (NY)	Cunningham	Gordon
Bishop (UT)	Davis (AL)	Granger
Blackburn	Davis (CA)	Green (TX)
Blumenauer	Davis (FL)	Green (WI)
Blunt	Davis (IL)	Greenwood
Boehlert	Davis (TN)	Grijalva
Boehner	Davis, Jo Ann	Gutierrez
Bonilla	Davis, Tom	Gutknecht
Bonner	Deal (GA)	Hall
Bono	DeFazio	Harman
Boozman	DeGette	Harris
Boswell	DeLaunt	Hart
Boucher	DeLauro	Hastings (FL)
Boyd	DeLay	Hastings (WA)
Bradley (NH)	DeMint	Hayes
Brady (PA)	Deutsch	Hayworth
Brady (TX)	Diaz-Balart, L.	Hefley
Brown (OH)	Diaz-Balart, M.	Hensarling
Brown (SC)	Dicks	Herger
Brown (CA)	Dingell	Herseth
Brown, Corrine	Doggett	Hinchey
Brown-Waite,	Doolittle	Hinojosa
Ginny	Doyle	Hobson
Burns	Dreier	Hoeffel
Burton (IN)	Duncan	Hoekstra
Butterfield	Edwards	Holden
Buyer	Ehlers	Holt
Calvert	Emanuel	Honda
Camp	Emerson	Hookey (OR)
Cantor	English	Hostettler
Capito	Eshoo	Houghton
Capps		

Hoyer	Michaud	Sandlin
Hulshof	Miller (FL)	Saxton
Hunter	Miller (MI)	Schakowsky
Hyde	Miller (NC)	Schiff
Inslie	Miller, Gary	Schroek
Isakson	Miller, George	Scott (GA)
Israel	Mollohan	Scott (VA)
Issa	Moore	Sensenbrenner
Istook	Moran (KS)	Serrano
Jackson (IL)	Moran (VA)	Sessions
Jackson-Lee	Murphy	Shadegg
(TX)	Myrick	Shaw
Jefferson	Nadler	Shays
Jenkins	Napolitano	Sherman
Johnson (CT)	Neal (MA)	Sherwood
Johnson (IL)	Nethercutt	Shimkus
Johnson, E. B.	Neugebauer	Shuster
Johnson, Sam	Ney	Simmons
Jones (NC)	Northup	Simpson
Jones (OH)	Nunes	Skelton
Kanjorski	Nussle	Slaughter
Kaptur	Oberstar	Smith (MI)
Keller	Obey	Smith (NJ)
Kelly	Olver	Smith (TX)
Kennedy (MN)	Osborne	Smith (WA)
Kennedy (RI)	Ose	Snyder
Kildee	Otter	Solis
Kind	Owens	Souder
King (IA)	Oxley	Spratt
King (NY)	Pallone	Stearns
Kingston	Pascarell	Strickland
Kirk	Pastor	Stupak
Kline	Paul	Sullivan
Knollenberg	Payne	Sweeney
Kolbe	Pearce	Tancredo
Kucinich	Pelosi	Tauscher
LaHood	Pence	Tauzin
Lampson	Peterson (MN)	Taylor (MS)
Langevin	Peterson (PA)	Taylor (NC)
Lantos	Petri	Terry
Larsen (WA)	Pickering	Thomas
Larson (CT)	Pitts	Thompson (CA)
Latham	Platts	Thompson (MS)
LaTourette	Pombo	Thornberry
Leach	Pomeroy	Tiahrt
Lee	Porter	Tiberi
Levin	Portman	Tierney
Lewis (CA)	Price (NC)	Towns
Lewis (GA)	Pryce (OH)	Turner (OH)
Lewis (KY)	Putnam	Turner (TX)
Linder	Quinn	Udall (CO)
Lipinski	Radanovich	Udall (NM)
LoBiondo	Rahall	Upton
Lofgren	Ramstad	Van Hollen
Lowey	Rangel	Velázquez
Lucas (KY)	Regula	Visclosky
Lucas (OK)	Rehberg	Vitter
Lynch	Renzi	Walden (OR)
Majette	Reyes	Walsh
Maloney	Reynolds	Wamp
Manzullo	Rodriguez	Waters
Markey	Rogers (AL)	Watson
Marshall	Rogers (KY)	Watt
Matheson	Rogers (MI)	Waxman
Matsui	Rohrabacher	Weiner
McCarthy (MO)	Ros-Lehtinen	Weldon (FL)
McCollum	Ross	Weldon (PA)
McCotter	Rothman	Weller
McCrery	Roybal-Allard	Wexler
McGovern	Royce	Whitfield
McHugh	Ruppersberger	Wicker
McInnis	Rush	Wilson (NM)
McIntyre	Ryan (OH)	Wilson (SC)
McKeon	Ryan (WI)	Wolf
McNulty	Ryun (KS)	Woolsey
Meehan	Sabo	Wu
Meek (FL)	Sánchez, Linda	Wynn
Meeks (NY)	T.	Young (AK)
Menendez	Sanchez, Loretta	Young (FL)
Mica	Sanders	

NOT VOTING—25

Burgess	Graves	Murtha
Burr	Hill	Musgrave
Cannon	John	Norwood
Cubin	Kilpatrick	Ortiz
Dooley (CA)	Klecza	Stark
Dunn	McCarthy (NY)	Stenholm
Engel	McDermott	Tanner
Feeney	Millender-	Toomey
Gephardt	McDonald	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RENZI) (during the vote). There are 2 minutes remaining in this vote.

□ 1822

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS**

The SPEAKER pro tempore (Mr. RENZI). The pending business is the question of suspending the rules and passing the Senate bill, S. 2303.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2302, 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 407, nays 4, not voting 21, as follows:

[Roll No. 533]

YEAS—407

Abercrombie	Capito	Emerson
Ackerman	Capps	Engel
Aderholt	Capuano	English
Akin	Cardin	Eshoo
Alexander	Cardoza	Etheridge
Allen	Carson (IN)	Evans
Andrews	Carson (OK)	Everett
Baca	Carter	Farr
Bachus	Case	Fattah
Baird	Castle	Feeney
Baker	Chabot	Ferguson
Baldwin	Chandler	Finer
Ballenger	Chocola	Flake
Barrett (SC)	Clay	Foley
Bartlett (MD)	Clyburn	Forbes
Barton (TX)	Coble	Ford
Bass	Cole	Fossella
Beauprez	Collins	Frank (MA)
Becerra	Conyers	Franks (AZ)
Bell	Cooper	Frelinghuysen
Berkley	Costello	Frost
Berman	Cox	Galleghy
Berry	Cramer	Garrett (NJ)
Biggert	Crane	Gerlach
Bilirakis	Crenshaw	Gibbons
Bishop (GA)	Crowley	Gilchrest
Bishop (NY)	Culberson	Gillmor
Bishop (UT)	Cummings	Gingrey
Blackburn	Cunningham	Gonzalez
Blumenauer	Davis (AL)	Goodlatte
Blunt	Davis (CA)	Gordon
Boehlert	Davis (FL)	Granger
Boehner	Davis (IL)	Green (TX)
Bonilla	Davis (TN)	Green (WI)
Bonner	Davis, Jo Ann	Greenwood
Bono	Davis, Tom	Grijalva
Boozman	Deal (GA)	Gutierrez
Boswell	DeFazio	Gutknecht
Boucher	DeGette	Hall
Boyd	Delahunt	Harman
Bradley (NH)	DeLauro	Harris
Brady (PA)	DeLay	Hart
Brady (TX)	DeMint	Hastings (FL)
Brown (OH)	Deutsch	Hastings (WA)
Brown (SC)	Diaz-Balart, L.	Hayes
Brown, Corrine	Diaz-Balart, M.	Hayworth
Brown-Waite,	Dicks	Hefley
Ginny	Dingell	Hensarling
Burns	Doggett	Herger
Burton (IN)	Doolittle	Herseth
Butterfield	Doyle	Hill
Buyer	Dreier	Hinchev
Calvert	Edwards	Hinojosa
Camp	Ehlers	Hobson
Cantor	Emanuel	Hoefel

Hoekstra	Meek (FL)	Sandlin
Holden	Meeks (NY)	Saxton
Holt	Menendez	Schakowsky
Honda	Mica	Schiff
Hooley (OR)	Michaud	Schrock
Hostettler	Miller (FL)	Scott (GA)
Houghton	Miller (MI)	Scott (VA)
Hoyer	Miller (NC)	Sensenbrenner
Hulshof	Miller, Gary	Serrano
Hunter	Miller, George	Sessions
Hyde	Mollohan	Shadegg
Inslee	Moore	Shaw
Isakson	Moran (KS)	Shays
Israel	Moran (VA)	Sherman
Issa	Murphy	Sherwood
Istook	Myrick	Shimkus
Jackson (IL)	Nadler	Shuster
Jackson-Lee	Napolitano	Simmons
(TX)	Neal (MA)	Simpson
Jefferson	Nethercutt	Skelton
Jenkins	Neugebauer	Slaughter
Johnson (CT)	Ney	Smith (MI)
Johnson (IL)	Northup	Smith (NJ)
Johnson, E. B.	Nunes	Smith (TX)
Johnson, Sam	Nussle	Smith (WA)
Jones (OH)	Oberstar	Snyder
Kanjorski	Obey	Solis
Kaptur	Olver	Souder
Keller	Osborne	Spratt
Kelly	Ose	Stearns
Kennedy (MN)	Otter	Stenholm
Kennedy (RI)	Owens	Strickland
Kildee	Oxley	Sputak
Kind	Pallone	Sullivan
King (IA)	Pascrell	Sweeney
King (NY)	Pastor	Tancredo
Kingston	Paul	Tanner
Kirk	Payne	Tauscher
Kline	Pearce	Tauzin
Knollenberg	Pelosi	Taylor (MS)
Kolbe	Pence	Taylor (NC)
Kucinich	Peterson (MN)	Terry
LaHood	Peterson (PA)	Thomas
Lampson	Petri	Thompson (CA)
Langevin	Pickering	Thompson (MS)
Lantos	Pitts	Thornberry
Larsen (WA)	Platts	Tiahrt
Larsen (CT)	Plombo	Tiberi
Latham	Pomeroy	Tierney
LaTourette	Porter	Towns
Leach	Portman	Turner (OH)
Lee	Price (NC)	Turner (TX)
Levin	Pryce (OH)	Udall (CO)
Lewis (CA)	Putnam	Udall (NM)
Lewis (GA)	Quinn	Upton
Lewis (KY)	Radanovich	Van Hollen
Linder	Rahall	Velázquez
Lipinski	Ramstad	Visclosky
LoBiondo	Rangel	Vitter
Lofgren	Regula	Walden (OR)
Lowey	Rehberg	Walsh
Lucas (KY)	Renzi	Wamp
Lucas (OK)	Reyes	Waters
Lynch	Reynolds	Watson
Majette	Rodriguez	Watt
Maloney	Rogers (AL)	Waxman
Manzullo	Rogers (KY)	Weiner
Markey	Rogers (MI)	Weldon (FL)
Marshall	Ros-Lehtinen	Weldon (PA)
Matheson	Ross	Weller
Matsui	Roybal-Allard	Wexler
McCarthy (MO)	Royce	Whitfield
McCollum	Ruppersberger	Wicker
McCotter	Rush	Wilson (NM)
McCrary	Ryan (OH)	Wilson (SC)
McGovern	Ryan (WI)	Wolf
McHugh	Ryun (KS)	Woolsey
McInnis	Sabo	Wu
McIntyre	Sánchez, Linda	Wynn
McKeon	T.	Young (AK)
McNulty	Sanchez, Loretta	Young (FL)
Meehan	Sanders	

NAYS—4

Duncan	Jones (NC)
Goode	Rohrabacher
Burgess	John
Burr	Kilpatrick
Cannon	Kleccka
Cubin	McCarthy (NY)
Dooley (CA)	McDermott
Dunn	Millender-
Gephardt	McDonald
Graves	Murtha

NOT VOTING—21

John	Musgrave
Kilpatrick	Norwood
Kleccka	Ortiz
McCarthy (NY)	Rothman
McDermott	Stark
Millender-	Toomey
McDonald	
Murtha	

□ 1831

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Ms. KILPATRICK. Mr. Speaker, personal reasons require me to return to my district, and I am unable to be present for legislative business scheduled after 3 p.m., Wednesday, November 17, 2004. Had I been present, I would have voted “aye” on H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004 (rollcall Vote No. 532), and “aye” on S. 2302, a bill to improve access to physicians in medically underserved areas (rollcall Vote No. 533).

**PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003**

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House on H.R. 1350 be permitted until midnight to file a conference report on H.R. 1350.

The SPEAKER pro tempore (Mr. RENZI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

**APPOINTING DAY FOR THE CONVENING OF THE FIRST SESSION OF THE 109TH CONGRESS**

Mr. BOEHNER. Mr. Speaker, I offer a joint resolution (H.J. Res. 111) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 111

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first regular session of the One Hundred Ninth Congress shall begin at noon on Tuesday, January 4, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BENJAMIN FRANKLIN COMMEMORATIVE COIN ACT**

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 3204) to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of