

Ramstad	Sensenbrenner	Talent
Ravenel	Shaw	Taylor (NC)
Regula	Shays	Thomas (CA)
Ridge	Shuster	Thomas (WY)
Roberts	Skeen	Torkildsen
Rogers	Smith (MI)	Upton
Rohrabacher	Smith (NJ)	Vucanovich
Ros-Lehtinen	Smith (OR)	Walker
Roth	Smith (TX)	Walsh
Roukema	Snowe	Weldon
Royce	Solomon	Wolf
Santorum	Spence	Young (AK)
Saxton	Stearns	Young (FL)
Schaefer	Stump	Zeliff
Schiff	Sundquist	Zimmer

NOT VOTING—5

Ford (TN)	Henry	Washington
Geren	Sharp	

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.

¶9.9 COMMISSION ON CIVIL RIGHTS

The SPEAKER, pursuant to the provisions of section 2(b) of Public Law 98-183, reappointed to the Commission on Civil Rights, Ms. Mary Frances Berry from private life, on the part of the House.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶9.10 FAMILY AND MEDICAL LEAVE

The SPEAKER, pursuant to House Resolution 58 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1) to grant family and temporary medical leave under certain circumstances.

The SPEAKER designated Mrs. KENNELLY as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Ms. LONG, assumed the Chair.

When Mrs. KENNELLY, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶9.11 HOUR OF MEETING

On motion of Mr. REED, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12 o'clock noon on Thursday, February 4, 1993.

¶9.12 FAMILY AND MEDICAL LEAVE

The SPEAKER pro tempore, Ms. LONG, pursuant to House Resolution 58 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) to grant family and temporary medical leave under certain circumstances.

Mrs. KENNELLY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶9.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODLING:

Add at the end of section 102 the following:

(g) REQUIREMENTS TREATED AS SATISFIED IF CAFETERIA PLAN PROVIDES FOR LEAVE.—The requirements of this Act shall be treated as satisfied with respect to any eligible employee if—

(1) such employee is a participant in a cafeteria plan (as defined in section 125(d) of the Internal Revenue Code of 1986) which is maintained by the employer and meets the requirements of section 125 of the Internal Revenue Code of 1986,

(2) one of the benefits such employee may choose under the plan is leave with respect to which the plan provides at least the rights and protections provided under this Act, and

(3) such plan provides reasonable methods for the valuation of such leave.

It was decided in the } Yeas ..... 187  
negative ..... } Nays ..... 244

¶9.14 [Roll No. 15]  
AYES—187

Allard	Dornan	Inglis
Archer	Dreier	Inhofe
Armey	Duncan	Istook
Bachus (AL)	Dunn	Johnson (CT)
Baker (CA)	Edwards (TX)	Johnson, Sam
Baker (LA)	Emerson	Kasich
Ballenger	Everett	Kim
Barcia	Ewing	King
Barrett (NE)	Fawell	Kingston
Bartlett	Fields (TX)	Knollenberg
Barton	Fowler	Kolbe
Bateman	Franks (CT)	Kopetski
Bentley	Gallegly	Kyl
Bereuter	Gallo	Lancaster
Bilirakis	Gekas	Lazio
Bliley	Geren	Leach
Blute	Gilchrest	Levy
Boehner	Gillmor	Lewis (CA)
Bonilla	Gingrich	Lewis (FL)
Brewster	Goodlatte	Lightfoot
Bunning	Goodling	Linder
Burton	Goss	Livingston
Buyer	Grams	Lloyd
Callahan	Grandy	Manzullo
Calvert	Greenwood	McCandless
Camp	Gunderson	McCollum
Canady	Hall (TX)	McCrery
Carr	Hamilton	McDade
Castle	Hancock	Upton
Clinger	Hansen	Valentine
Coble	Hastert	Volkmer
Collins (GA)	Hayes	Vucanovich
Combest	Hefley	Walker
Condit	Herger	Walsh
Cox	Hobson	Weldon
Crane	Hoekstra	Whitten
Crapo	Hoke	Wolf
Cunningham	Horn	Young (AK)
de la Garza	Houghton	Young (FL)
Deal	Huffington	Zeliff
DeLay	Hunter	Zimmer
Dickey	Hutchinson	
Doolittle	Hyde	

NAYS—204

Abercrombie	Clyburn	Filner
Ackerman	Coleman	Fingerhut
Andrews (ME)	Collins (IL)	Foglietta
Andrews (NJ)	Collins (MI)	Ford (MI)
Baesler	Conyers	Frank (MA)
Barcia	Coppersmith	Frost
Barlow	Costello	Furse
Barrett (WI)	Coyne	Gejdenson
Becerra	Danner	Gephardt
Beilenson	Darden	Gibbons
Berman	de la Garza	Glickman
Bishop	DeFazio	Gonzalez
Blackwell	DeLauro	Gordon
Bonior	Dellums	Green
Borski	Derrick	Gutierrez
Boucher	Deutsch	Hall (OH)
Brooks	Dicks	Hamburg
Brown (CA)	Dingell	Hamilton
Brown (FL)	Dixon	Harman
Brown (OH)	Dooley	Hastings
Bryant	Durbin	Hefner
Byrne	Edwards (CA)	Hilliard
Cantwell	Engel	Hinchey
Cardin	English (AZ)	Hoagland
Chapman	Eshoo	Hochbrueckner
Clay	Evans	Holden
Clayton	Fazio	Hoyer
Clement	Fields (LA)	Hughes

Inslee	Menendez	Sawyer
Jefferson	Mfume	Schenk
Johnson (GA)	Miller (CA)	Schroeder
Johnson (SD)	Mineta	Schumer
Johnson, E. B.	Mink	Scott
Johnston	Moakley	Serrano
Kanjorski	Mollohan	Shepherd
Kennedy	Moran	Slaughter
Kennelly	Murphy	Smith (IA)
Kildee	Murtha	Stark
Klecзка	Nadler	Stokes
Klein	Natcher	Strickland
Klink	Neal (MA)	Studds
Kopetski	Oberstar	Stupak
Kreidler	Obey	Swett
LaFalce	Olver	Swift
Lantos	Ortiz	Synar
LaRocco	Owens	Tejeda
Lehman	Pallone	Thurman
Levin	Pastor	Torricelli
Lewis (GA)	Payne (NJ)	Towns
Lipinski	Pelosi	Traficant
Lloyd	Peterson (FL)	Tucker
Long	Peterson (MN)	Unsoeld
Lowey	Pickle	Velazquez
Maloney	Pomeroy	Vento
Mann	Poshard	Visclosky
Manton	Price (NC)	Washington
Margolies-	Rahall	Waters
Mezvinsky	Rangel	Watt
Markey	Reed	Waxman
Martinez	Reynolds	Wheat
Matsui	Richardson	Williams
Mazzoli	Roemer	Wilson
McCloskey	Rose	Wise
McDermott	Rostenkowski	Woolsey
McHale	Roybal-Allard	Wyden
McKinney	Rush	Wynn
McNulty	Sabo	Yates
Meehan	Sanders	
Meek	Sangmeister	

NOT VOTING—5

Flake	Henry	Torres
Ford (TN)	Lambert	

So the amendment was not agreed to. After some further time,

¶9.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODLING:

Amend section 101(2)(B) to add a new clause as follows:

(iii) any employee of an employer whose absence during leave would clearly result in substantial and grievous economic injury to the operations of the employer or substantial endangerment to the health and safety of other employees of the employer or the public.

Amend section 101(2)(C) to read as follows: (c) DETERMINATION.—

(A) CLAUSE (ii).—For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.

(B) CLAUSE (iii).—The exception in subparagraph (A)(iii) shall apply only if—

(i) the employer notices the employee of intent of the employer to deny leave on such basis at the time the employer determines that such injury or endangerment would occur; and

(ii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

In section 104, strike out subsection (b) and redesignate subsection (c) as subsection (b).

It was decided in the } Yeas ..... 185  
negative ..... } Nays ..... 238

¶9.16 [Roll No. 16]  
AYES—185

Allard	Baker (CA)	Bartlett
Archer	Baker (LA)	Barton
Armey	Ballenger	Bateman
Bachus (AL)	Barrett (NE)	Bentley

Bereuter Hansen Payne (VA) Lehman Ortiz Shepherd
Billbray Hastert Penny Levin Orton Skaggs
Billirakis Hayes Petri Lewis (GA) Owens Slaughter
Blute Pickett Lipinski Pallone Smith (IA)
Boehner Herger Pombo Long Parker Snowe
Bonilla Hobson Porter Lowey Pastor Stark
Brewster Hoekstra Pryce (OH) Machtley Payne (NJ) Stokes
Bunning Hoke Quillen Maloney Pelosi Strickland
Burton Quinn Mann Peterson (FL) Studds
Buyer Houghton Ramstad Manton Peterson (MN) Stupak
Callahan Huffington Regula Margolies-Pickle Sweet
Calvert Hughes Ridge Mezvinsky Pomeroy Swift
Camp Hunter Roberts Markey Poshard Synar
Canady Hutchinson Rogers Martinez Price (NC) Tanner
Carr Hyde Rohrabacher Matsui Rahall Tejada
Castle Inglis Roth Mazzoli Rangel Thornton
Clinger Inhofe Rowland McCloskey Ravenel Thurman
Collins (GA) Istook Royce McCurdy Reed Torres
Combust Johnson (CT) Santorum McDermott Reynolds Torricelli
Cox Johnson, Sam Schaefer McHale Richardson Towns
Crane Kasich Schiff McKinney Roemer Traficant
Crapo Kim Sensenbrenner McNulty Romero-Barcelo Tucker
Cunningham King Shaw Meehan (PR) Underwood (GU)
Deal Kingston Shuster Meek Unsoeld
DeLay Knollenberg Siskey Menendez Rose Velazquez
Dickey Kolbe Skee Miller (CA) Rostenkowski Vento
Doolittle Kyl Skelton Mineta Roukema Visclosky
Dornan Lancaster Slattery Mink Roybal-Allard Volkmer
Dreier Lazio Smith (MI) Moakley Rush Watt
Duncan Leach Smith (NJ) Molinari Sabo Waxman
Dunn Levy Smith (OR) Mollohan Sanders Wheat
Edwards (TX) Lewis (CA) Morella Sangmeister Williams
Emerson Lewis (FL) Solomon Murphy Sarpalius Wilson
Everett Lightfoot Spence Murtha Sawyer Wise
Ewing Linder Spratt Nadler Saxton Volkmeyer Woolsey
Fawell Livingston Stearns Natcher Schenk Wyden
Fields (TX) Lloyd Stenholm Neal (MA) Schroeder Wynn
Fowler Stump Norton (DC) Schumacher Yates
Franks (CT) McCandless Sundquist Oberstar Scott Young (FL)
Gallegly Talant Oby Sharp Shays
Gallo McCrery Tauzin Olver
Gekas McDade Taylor (MS)
Geren McHugh Taylor (NC)
Gilchrist McInnis Thomas (CA)
Gillmor McKeon Thomas (WY)
Gilman Meyers Torkildsen
Gingrich Mica Upton
Glickman Michel Valentine
Goodlatte Miller (FL) Vucanovich
Goodling Minge Walker
Goss Montgomery Walsh
Grams Moorhead Weldon
Grandy Myers Whitten
Greenwood Neal (NC) Wolf
Gunderson Nussle Young (AK)
Hall (TX) Oxley Zeliff
Hamilton Packard Zimmer
Hancock Paxon

NOES—238

Abercrombie Cooper Gejdenson
Ackerman Coppersmith Gephardt
Andrews (ME) Costello Gibbons
Andrews (NJ) Coyne Gonzalez
Andrews (TX) Cramer Gordon
Applegate Danner Green
Bacchus (FL) Darden Gutierrez
Baesler de la Garza Hall (OH)
Barcia de Lugo (VI) Hamburg
Barlow DeFazio Harman
Barrett (WI) DeLauro Hefner
Becerra Dellums Hilliard
Beilenson Derrick Hinchey
Berman Deutsch Hoagland
Bevill Diaz-Balart Hochbrueckner
Bishop Dicks Holden
Blackwell Dingell Hoyer
Boehlert Dixon Hutto
Bonior Dooley Insole
Borski Durbin Jacobs
Boucher Edwards (CA) Jefferson
Brooks Engel Johnson (GA)
Browder English (AZ) Johnson (SD)
Brown (CA) English (OK) Johnson, E.B.
Brown (FL) Eshoo Johnston
Brown (OH) Evans Kanjorski
Bryant Faleomavaega Kennedy
Byrne (AS) Kennelly
Cantwell Fazio Kildee
Cardin Fields (LA) Kleczka
Chapman Filner Klein
Clay Fingerhut Klink
Clayton Fish Klug
Clement Flake Kopetski
Clyburn Foglietta Kreidler
Coleman Ford (MI) LaFalce
Collins (IL) Frank (MA) Lambert
Collins (MI) Franks (NJ) Lantos
Condit Frost LaRocco
Conyers Furse Laughlin

Lehman Ortiz Shepherd
Levin Orton Skaggs
Lewis (GA) Owens Slaughter
Lipinski Pallone Smith (IA)
Long Parker Snowe
Lowey Pastor Stark
Machtley Payne (NJ) Stokes
Maloney Pelosi Strickland
Mann Peterson (FL) Studds
Manton Peterson (MN) Stupak
Margolies-Pickle Sweet
Mezvinsky Pomeroy Swift
Markey Poshard Synar
Martinez Price (NC) Tanner
Matsui Rahall Tejada
Mazzoli Rangel Thornton
McCloskey Ravenel Thurman
McCurdy Reed Torres
McDermott Reynolds Torricelli
McHale Richardson Towns
McKinney Roemer Traficant
McNulty Romero-Barcelo Tucker
Meehan (PR) Underwood (GU)
Meek Unsoeld
Menendez Rose Velazquez
Miller (CA) Rostenkowski Vento
Mineta Roukema Visclosky
Mink Roybal-Allard Volkmer
Moakley Rush Watt
Molinari Sabo Waxman
Mollohan Sanders Wheat
Morella Sangmeister Williams
Murphy Sarpalius Wilson
Murtha Sawyer Wise
Nadler Saxton Volkmeyer Woolsey
Natcher Schenk Wyden
Neal (MA) Schroeder Wynn
Norton (DC) Schumacher Yates
Oberstar Scott Young (FL)
Oby Sharp Shays

NOT VOTING—12

Bliley Henry Moran
Coble Kaptur Serrano
Ford (TN) McMillan Washington
Hastings Mfume Waters

So the amendment was not agreed to.
After some further time,

9.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODLING:

Amend section 102(a)(3) and section 102(b) to read as follows:

(3) INTERMITTENT LEAVE.—

(A) IN GENERAL.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 103(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(B) ALTERNATIVE POSITION.—If an employee requests intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

It was decided in the affirmative { Yeas ..... 223
Nays ..... 209

9.18 [Roll No. 17]
AYES—223

Allard Goodlatte Oxley
Andrews (TX) Goodling Packard
Archer Goss Paxon
Army Grams Payne (VA)
Bacchus (FL) Grandy Penny
Bachus (AL) Greenwood Petri
Baker (CA) Gunderson Pickett
Baker (LA) Hall (TX) Pombo
Ballenger Hancock Porter
Barcia Hansen Pryce (OH)
Barrett (NE) Hastert Quillen
Bartlett Hayes Quinn
Barton Hefley Ramstad
Bateman Herger Ravenel
Bentley Hobson Regula
Bereuter Hoekstra Ridge
Bevill Hoke Roberts
Billbray Horn Rogers
Bilirakis Houghton Rohrabacher
Billey Huffington Ros-Lehtinen
Blute Hughes Roth
Boehlert Hunter Roukema
Boehner Hutchinson Rowland
Bonilla Hutto Royce
Brewster Hyde Santorum
Browder Inglis Sarpalius
Bunning Inhofe Saxton
Burton Istook Schaefer
Buyer Jacobs Schiff
Callahan Johnson (CT) Sensenbrenner
Calvert Johnson, Sam Sharp
Camp Kaptur Shaw
Canady Kasich Shays
Carr Kim Shuster
Castle King Sisisky
Chapman Kingston Skaggs
Clinger Klug Skee
Coble Knollenberg Skelton
Collins (GA) Kolbe Slattery
Combust Kyl Smith (MI)
Condit Lambert Smith (NJ)
Cooper Lancaster Smith (OR)
Cox Lazio Smith (TX)
Cramer Leach Snowe
Crane Levy Solomon
Crapo Lewis (CA) Spence
Cunningham Lewis (FL) Spratt
Deal Lightfoot Stearns
DeLay Livingston Stenholm
Diaz-Balart Livingstone Stump
Dickey Machtley Sundquist
Doolittle Manzullo Talant
Dornan McCandless Tanner
Dreier McCollum Tauzin
Duncan McCrery Taylor (MS)
Dunn McCurdy Taylor (NC)
Edwards (TX) McDade Thomas (CA)
Emerson McHugh Thomas (WY)
English (OK) McInnis Thornton
Everett McKeon Torkildsen
Ewing McMillan Upton
Fawell Meyers Valentine
Fields (TX) Mica Volkmer
Fish Michel Vucanovich
Fowler Miller (FL) Walker
Franks (CT) Minge Walsh
Franks (NJ) Molinari Weldon
Gallegly Montgomery Whitten
Gallo Moorhead Wolf
Gekas Morella Young (AK)
Geren Myers Young (FL)
Gilchrist Neal (NC) Zeliff
Gillmor Nussle Zimmer
Gilman Ortiz
Gingrich Orton

NOES—209

Abercrombie Brown (CA) Coyne
Ackerman Brown (FL) Danner
Andrews (ME) Brown (OH) Darden
Andrews (NJ) Bryant de la Garza
Applegate Byrne de Lugo (VI)
Baesler Cantwell DeFazio
Barlow Cardin DeLauro
Barrett (WI) Clay Dellums
Becerra Clayton Derrick
Beilenson Clement Deutsch
Berman Clyburn Dicks
Bishop Coleman Dingell
Blackwell Collins (IL) Dixon
Bonior Collins (MI) Dooley
Borski Conyers Durbin
Boucher Coppersmith Edwards (CA)
Brooks Costello Engel