

Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon

Penny
Rohrabacher
Ros-Lehtinen
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)

Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)

Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchev
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klecicka
Kostello
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli

McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
McNehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpaluis
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter

Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sweet
Swift
Synar
Tanner
Tejeda
Thompson

Thornton
Thurman
Torres
Torrice
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer

Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Dixon
Emerson
Faleonavaega (AS)
Grandy

Nadler
Neal (NC)
Parker
Pelosi

Romero-Barceló (PR)
Torkildsen
Vucanovich
Washington

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

52.17 RECORDED VOTE

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

Add at the end of the bill the following:

SEC. 11. STUDY.

(a) IN GENERAL.—The Federal Black Lung Advisory Committee, established under subsection (d) and referred to in this section as the “committee”, shall—

(1) examine State workers’ compensation laws to determine the effectiveness of the laws in providing benefits on the amount of disability or death due to pneumoconiosis, and

(2) evaluate the information collected in conducting the examination under paragraph (1).

(b) CONSIDERATIONS.—In carrying out subsection (a), the committee shall consider—

(1) whether a State’s law providing monthly benefits for total disability or death due to a coal miner’s pneumoconiosis in an amount that is comparable to or that exceeds the amounts payable under the Federal black lung program under part C of the Black Lung Benefits Act,

(2) whether the State law provides adequate coverage for health care needs generated by a coal miner’s pneumoconiosis,

(3) whether a State’s law precludes awards by virtue of periods of limitation or other provisions that unreasonably restrict the filing of claims or awards for a coal miner’s pneumoconiosis,

(4) whether the medical or legal criteria for determining entitlement in a State are fair and reasonable, and

(5) whether a State workers’ compensation system facilitates reasonably prompt awards or settlements.

(c) REPORT.—The committee shall transmit to the Secretary of Labor, not later than 12 months after its establishment, a final report containing a detailed statement of its findings, conclusions, and recommendations under subsection (a).

(d) COMMITTEE ESTABLISHMENT.—The Secretary of Labor shall establish the Federal Black Lung Advisory Committee with 9 members. The Chairman of the committee and a majority of the members of the committee shall be appointed by the Secretary from individuals who have no economic interests in the coal mining industry and who are not officers, directors, employees, or representatives of groups organized to assist claimants in the processing of their claims under the Federal black lung program under part C of the Black Lung Benefits Act. Of the 9 members, 2 shall be representatives of labor and 2 shall be representatives of coal mine operators. 5 members of the committee shall constitute a quorum for the purpose of

doing business. Members of the committee who are not officers or employees of a Federal, State, or local government shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary but not in excess of the daily rate in effect for grade GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses.

It was decided in the
 negative
 Yeas 162
 Nays 265

52.18

[Roll No. 184]

AYES—162

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Balleger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Billirakis
Billey
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combust
Cox
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrist
Gingrich

Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead

Morella
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—265

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster

Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne

Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr

Fazio Long Rostenkowski
Fields (LA) Lowey Rowland
Filner Machtley Roybal-Allard
Flake Maloney Rush
Foglietta Mann Sabo
Ford (MI) Manton Sanders
Ford (TN) Margolis- Sangmeister
Frank (MA) Mezvinsky Santorum
Frost Markey Sarpalius
Furse Martinez Sawyer
Gejdenson Matsui Schenk
Gephardt Mazzoli Schroeder
Geren McCloskey Schumer
Gillmor McCurdy Scott
Gilman McDade Serrano
Gonzalez McDermott Sharp
Gordon McKinney Shepherd
Green McNulty Sisisky
Gutierrez Meehan Skaggs
Hall (OH) Meek Skelton
Hall (TX) Menendez Slattery
Hamburg Mfume Slaughter
Hamilton Miller (CA) Smith (IA)
Harman Mineta Spratt
Hastings Minge Stark
Hayes Mink Stenholm
Hefner Moakley Strickland
Hilliard Mollohan Stupak
Hinchey Montgomery Swett
Hoagland Moran Swift
Hochbrueckner Murphy Synar
Hoke Murtha Tanner
Holden Myers Tauzin
Hoyer Neal (MA) Taylor (MS)
Hughes Norton (DC) Tejeda
Hutto Oberstar Thompson
Inslee Obey Thornton
Istook Olver Thurman
Jacobs Ortiz Torres
Jefferson Orton Torricelli
Johnson (GA) Owens Towns
Johnson (SD) Pallone Traficant
Johnson, E. B. Pastor Tucker
Johnston Payne (NJ) Underwood (GU)
Kanjorski Payne (VA) Unsoeld
Kaptur Pelosi Valentine
Kennedy Peterson (FL) Velazquez
Kennelly Peterson (MN) Vento
Kildee Pickett Visclosky
Klecza Pickle Volkmer
Klein Pomeroy Waters
Klink Poshard Watt
Kopetski Price (NC) Waxman
Kreidler Quinn Wheat
LaFalce Rahall Whitten
Lambert Rangel Williams
Lancaster Reed Wilson
Lantos Reynolds Wise
LaRocco Richardson Woolsey
Laughlin Ridge Wyden
Lehman Roemer Wynn
Levin Rogers Yates
Lewis (GA) Romero-Barcelo
Lipinski (PR)
Lloyd Rose

NOT VOTING—11

Blackwell Gibbons Stokes
Dixon Grandy Washington
Emerson Nadler
Faleomavaega Neal (NC)
(AS) Parker

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

52.19 RECORDED VOTE

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

Strike section 8 and redesignate sections 9,
10, and 11 as sections 8, 9, and 10, respec-
tively.

It was decided in the { Yeas 166
negative } Nays 258

52.20 [Roll No. 185]
AYES—166

Allard Ballenger Bilirakis
Archer Barrett (NE) Bliley
Armey Bartlett Blute
Bachus (AL) Barton Boehner
Baker (CA) Bateman Bonilla
Baker (LA) Bereuter Bunning

Burton Hoekstra Packard
Buyer Hoke Paxon
Callahan Horn Penny
Calvert Houghton Petri
Camp Huffington Pombo
Canady Hunter Porter
Castle Hutchinson Portman
Clinger Hyde Pryce (OH)
Coble Inglis Quinn
Collins (GA) Inhofe Ramstad
Combust Istook Ravenel
Cox Johnson (CT) Ridge
Crane Johnson, Sam Roberts
Crapo Kasich Rohrabacher
Cunningham Kim Roth
Deal King Roukema
DeLay Kingston Royce
Dickey Klug Santorum
Doolittle Knollenberg Saxton
Dornan Kolbe Schaefer
Dreier Kyl Schiff
Duncan Lazio Sensenbrenner
Dunn Leach Shaw
Ehlers Levy Shays
Everett Lewis (CA) Shuster
Ewing Lightfoot Skeen
Fawell Linder Smith (OR)
Fields (TX) Livingston Smith (TX)
Fish Lucas Snowe
Fowler Machtley Solomon
Franks (CT) Mann Spence
Franks (NJ) Manullo Stearns
Gallegly Margolis- Stenholm
Gallo Mezvinsky Stump
Gekas McCandless Talent
Geren McColium Taylor (NC)
Gilchrist McCrery Thomas (WY)
Gillmor McHugh Torkildsen
Gingrich McInnis Upton
Goodlatte McKeon Valentine
Goss Meyers Vucanovich
Grams Mica Walker
Greenwood Michel Walsh
Gunderson Miller (FL) Weldon
Hancock Wolf Wolf
Hansen Moorhead Young (AK)
Hastert Morella Young (FL)
Hefley Nussle Zeliff
Herger Orton Zimmer
Hobson Oxley

NOES—258

Abercrombie Coyne Harman
Ackerman Cramer Hastings
Andrews (ME) Danner Hayes
Andrews (NJ) Darden Hefner
Andrews (TX) de la Garza Hilliard
Applegate de Lugo (VI) Hinchey
Bacchus (FL) DeFazio Hoagland
Baesler DeLauro Hochbrueckner
Barca Dellums Holden
Barcia Derrick Hoyer
Barlow Deutsch Hughes
Barrett (WI) Diaz-Balart Inslee
Becerra Dicks Jacobs
Beilenson Dingell Jefferson
Bentley Dooley Johnson (GA)
Berman Durbin Johnson (SD)
Bevill Edwards (CA) Johnson, E. B.
Bilbray Edwards (TX) Johnston
Bishop Engel Kanjorski
Blackwell English Kaptur
Boehlert Eshoo Kennedy
Bonior Evans Kennelly
Borski Farr Kildee
Boucher Fazio Klecza
Brewster Fields (LA) Klein
Brooks Filner Klink
Brownder Fingerhut Kopetski
Brown (CA) Flake Kreidler
Brown (FL) Foglietta LaFalce
Brown (OH) Ford (MI) Lambert
Bryant Ford (TN) Lancaster
Byrne Frank (MA) Lantos
Cantwell Frost LaRocco
Cardin Furse Laughlin
Carr Gejdenson Lehman
Chapman Gephardt Levin
Clay Gibbons Lewis (GA)
Clayton Gilman Lipinski
Clement Glickman Lloyd
Clyburn Gonzalez Long
Coleman Goodling Lowey
Collins (IL) Gordon Maloney
Collins (MI) Green Manton
Condit Gutierrez Martinez
Conyers Hall (OH) Matsui
Cooper Hall (TX) Mazzoli
Coppersmith Hamburg McCloskey
Costello Hamilton McCurdy

McDade Quillen Stokes
McDermott Rahall Strickland
McHale Rangel Studds
McKinney Reed Stupak
McNulty Regula Sundquist
Meehan Reynolds Swett
Meek Richardson Swift
Menendez Roemer Synar
Mfume Rogers Tanner
Miller (CA) Romero-Barcelo Tauzin
Mineta (PR) Taylor (MS)
Minge Ros-Lehtinen Tejeda
Mink Rose Thompson
Moakley Rostenkowski Thornton
Mollohan Rowland Thurman
Montgomery Roybal-Allard Torricelli
Moran Rush Towns
Murphy Sabo Traficant
Murtha Sanders Tucker
Myers Sangmeister Underwood (GU)
Neal (MA) Sarpalius Unsoeld
Norton (DC) Sawyer Velazquez
Oberstar Schenk Vento
Obey Schroeder Visclosky
Olver Schumer Volkmer
Ortiz Scott Waters
Owens Serrano Watt
Pallone Sharp Waxman
Pastor Shepherd Wheat
Payne (NJ) Sisisky Whitten
Payne (VA) Skaggs Williams
Pelosi Skelton Wilson
Peterson (FL) Slattery Wise
Peterson (MN) Slaughter Woolsey
Pickett Smith (IA) Wyden
Pickle Smith (MI) Wynn
Pomeroy Smith (NJ) Yates
Poshard Spratt
Price (NC) Stark

NOT VOTING—14

Dixon Hutto Neal (NC)
Emerson Lewis (FL) Parker
Faleomavaega Markey Thomas (CA)
(AS) McMillan Torres
Grandy Nadler Washington

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. DE
LA GARZA, assumed the Chair.

When Mr. WISE, Chairman, pursuant
to House Resolution 428, reported the
bill back to the House with an amend-
ment adopted by the Committee.

The previous question having been
ordered by said resolution.

The following amendment, reported
from the Committee of the Whole
House on the state of the Union, was
agreed to:

Strike out all after the enacting clause and
insert:

SECTION 1. SHORT TITLE; REFERENCE

(a) SHORT TITLE.—This Act may be cited as
the "Black Lung Benefits Restoration Act of
1994".

(b) REFERENCE.—Whenever in this Act
(other than section 9(a)(1)) an amendment or
repeal is expressed in terms of an amend-
ment to, or repeal of, a section or other pro-
vision, the reference shall be considered to
be made to a section or other provision of
the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the
following:

"SEC. 436 (a) The repayment of benefits
paid on a claim filed under this part before
the final adjudication of the claim shall not
be required if the claim was finally denied,
unless fraud or deception was used to pro-
cure the payment of such benefits.

"(b) The trust fund shall refund any pay-
ments made to it as a reimbursement of ben-
efits paid on a claim filed under this part be-
fore the final adjudication of the claim, un-
less fraud or deception was used to procure
the payment of such benefits.

"(c) The trust fund shall reimburse an op-
erator for any benefits paid on a claim filed
under this part before the final adjudication
of the claim if the claim was finally denied.