

Martinez Pelosi Stupak  
 Mascara Peterson (FL) Tanner  
 Matsui Pickett Taylor (MS)  
 McCarthy Pomeroy Tejada  
 McDermott Poshard Thompson  
 McHale Rahall Thornton  
 Meehan Reed Thurman  
 Mfume Reynolds Torres  
 Miller (CA) Richardson Torricelli  
 Mineta Rivers Towns  
 Mink Rose Traficant  
 Moakley Roybal-Allard Tucker  
 Mollohan Rush Velazquez  
 Murtha Sabo Vento  
 Nadler Sanders Visclosky  
 Neal Sawyer Volkmer  
 Oberstar Schroeder Ward  
 Obey Schumer Watt (NC)  
 Olver Scott Waxman  
 Ortiz Serrano Williams  
 Orton Skaggs Wise  
 Owens Slaughter Woolsey  
 Pallone Spratt Wyden  
 Pastor Stark Wynn  
 Payne (NJ) Stokes Yates  
 Payne (VA) Studds

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—8

Abercrombie McDade Rangel  
 Gibbons McKinney Waters  
 Johnson, E.B. Meek

So the substitute amendment for the amendment was agreed to.

After some further time,

40.14 RECORDED VOTE

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

Page 28, after line 2, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 6. INAPPLICABILITY TO DERIVATIVES.

This Act and the amendments made by this Act shall not apply to any action based on an allegation of fraud in connection with the purchase or sale of a derivative instrument. For purposes of this section, the term "derivative instrument" means any financial contract or other instrument that derives its value from the value or performance of any security, currency exchange rate, or interest rate (or group or index thereof), but does not include—

(1) any security that is traded on a national securities exchange or on an automated interdealer quotation system sponsored by a securities association registered under section 15A of this title;

(2) any forward contract which has a maturity at the time of issuance not exceeding 270 days;

(3) any contract of sale of a commodity for future delivery, or any option on such a contract, traded or executed on a designated contract market and subject to regulation under the Commodity Exchange Act; or

(4) any deposit held by a financial institution.

It was decided in the negative .....

Yeas ..... 162  
 Nays ..... 261  
 Answered present 1

40.15 [Roll No. 211] AYES—162

Abercrombie Berman Cardin  
 Ackerman Bishop Clay  
 Andrews Bonior Clayton  
 Baesler Borski Clement  
 Baldacci Boucher Clyburn  
 Barrett (WI) Brown (CA) Coleman  
 Bateman Brown (FL) Collins (IL)  
 Becerra Brown (OH) Collins (MI)  
 Beilenson Bryant (TX) Conyers

Costello Kaptur Pomeroy  
 Coyne Kennedy (MA) Poshard  
 DeFazio Kennelly Rahall  
 DeLauro Kildee Reed  
 Dellums Kleczka Reynolds  
 Dicks Klink Rivers  
 Dingell Lantos Roemer  
 Dixon Levin Roukema  
 Doggett Lewis (GA) Roybal-Allard  
 Doyle Lipinski Rush  
 Duncan Lofgren Sabo  
 Durbin Luther Sanders  
 Edwards Maloney Sawyer  
 Engel Manton Schroeder  
 Nadler Markley Schumer  
 Evans Martinez Scott  
 Farr Mascara Serrano  
 Fazio Matsui Slaughter  
 Fields (LA) McCarthy Smith (WA)  
 Filner McDermott Spratt  
 Flake McHale Stark  
 Foglietta McNulty Stokes  
 Ford Meehan Studds  
 Fox Menendez Stupak  
 Frost Metcalf Tanner  
 Furse Mfume Taylor (MS)  
 Gejdenson Miller (CA) Thompson  
 Gephardt Mineta Thornton  
 Gordon Minge Torres  
 Green Mink Torricelli  
 Gutierrez Moakley Towns  
 Hall (OH) Mollohan Traficant  
 Hamilton Morella Tucker  
 Hastings (FL) Murtha Velazquez  
 Hefner Nadler Visclosky  
 Hilliard Neal Volkmer  
 Hinchey Oberstar Ward  
 Holden Obey Watt (NC)  
 Horn Olver Waxman  
 Hoyer Owens Williams  
 Jackson-Lee Pallone Wise  
 Jacobs Pastor Woolsey  
 Johnson (SD) Payne (NJ) Wyden  
 Johnson, E. B. Pelosi Wynn  
 Johnston Peterson (FL) Yates

NOES—261

Allard Crane Hansen  
 Archer Crapo Harman  
 Armev Cremeans Hastert  
 Bachus Cubin Hastings (WA)  
 Baker (CA) Cunningham Hayes  
 Baker (LA) Danner Hayworth  
 Ballenger de la Garza Hefley  
 Barcia Deal Heineman  
 Barr DeLay Hergler  
 Barrett (NE) Deutsch Hilleary  
 Bartlett Diaz-Balart Hobson  
 Barton Dickey Hoekstra  
 Bass Dooley Hoke  
 Bentsen Doolittle Hostettler  
 Bereuter Dornan Houghton  
 Bevill Dreier Hunter  
 Bilbray Dunn Hutchinson  
 Bilirakis Ehlers Hyde  
 Bliley Ehrlich Inglis  
 Blute Emerson Istook  
 Boehlert English Johnson (CT)  
 Boehner Ensign Johnson, Sam  
 Bonilla Everett Jones  
 Bono Ewing Kanjorski  
 Brewster Fawell Kasich  
 Browder Fields (TX) Kelly  
 Brownback Flanagan Kennedy (RI)  
 Bryant (TN) Foley Kim  
 Bunn Forbes King  
 Bunning Fowler Kingston  
 Burr Frank (MA) Klug  
 Burton Franks (CT) Knollenberg  
 Buyer Franks (NJ) Kolbe  
 Callahan Frelinghuysen LaFalce  
 Calvert Frisa LaHood  
 Camp Funderburk Largent  
 Canady Gallegly Latham  
 Castle Ganske Laughlin  
 Chabot Gekas Lazio  
 Chambliss Geren Leach  
 Chapman Gilchrist Lewis (CA)  
 Chenoweth Gillmor Lewis (KY)  
 Christensen Gilman Lightfoot  
 Chrysler Gonzalez Lincoln  
 Clinger Goodlatte Linder  
 Coble Goodling Livingston  
 Coburn Goss LoBiondo  
 Collins (GA) Graham Longley  
 Combest Greenwood Lucas  
 Condit Gunderson Manzullo  
 Cooley Gutknecht Martini  
 Cox Hall (TX) McCollum  
 Cramer Hancock McCreery

McHugh Radanovich Stearns  
 McInnis Ramstad Stenholm  
 McIntosh Regula Stockman  
 McKeon Richardson Stump  
 Meyers Riggs Talent  
 Mica Roberts Tate  
 Miller (FL) Rogers Tauzin  
 Molinari Rohrabacher Taylor (NC)  
 Montgomery Ros-Lehtinen Tejada  
 Moorhead Rose Thomas  
 Moran Roth Thornberry  
 Myers Royce Thurman  
 Myrick Salmon Tiahrt  
 Nethercutt Sanford Torkildsen  
 Neumann Saxton Upton  
 Ney Scarborough Vento  
 Norwood Schaefer Vucanovich  
 Nussle Schiff Waldholtz  
 Ortiz Seastrand Walker  
 Orton Sensenbrenner Walsh  
 Oxley Shadegg Wamp  
 Packer Shaw Watts (OK)  
 Parker Shays Weldon (FL)  
 Paxon Shuster Weldon (PA)  
 Payne (VA) Sisisky Weller  
 Peterson (MN) Skaggs White  
 Petri Skeen Whitfield  
 Pickett Skelton Wicker  
 Pombo Smith (MI) Wilson  
 Porter Smith (NJ) Wolf  
 Portman Smith (TX) Young (AK)  
 Pryce Solomon Young (FL)  
 Quillen Souder Zeliff  
 Quinn Spence Zimmer

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—10

Davis LaTourette Rangel  
 Fattah McDade Waters  
 Gibbons McKinney  
 Jefferson Meek

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

40.16 RECORDED VOTE

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

Page 28, line 12, insert before the period the following: ", except that this Act and the amendments made by this Act shall not apply to any action commenced by any State or local government, or any agency or instrumentality of any State or local government, before the date which is 3 years after such date of enactment."

It was decided in the negative .....

Yeas ..... 179  
 Nays ..... 248  
 Answered present 1

40.17 [Roll No. 212] AYES—179

Abercrombie Collins (IL) Ford  
 Ackerman Collins (MI) Fox  
 Andrews Conyers Frank (MA)  
 Bachus Costello Frost  
 Baesler Coyne Furse  
 Baldacci Cramer Gejdenson  
 Barcia de la Garza Gephardt  
 Barrett (WI) DeFazio Gonzalez  
 Becerra DeLauro Gordon  
 Beilenson Dellums Green  
 Bentsen Dicks Gutierrez  
 Berman Dingell Hall (OH)  
 Bevill Dixon Hall (TX)  
 Bishop Doggett Hamilton  
 Bonior Doyle Hastings (FL)  
 Borski Duncan Hefner  
 Boucher Durbin Hilliard  
 Browder Edwards Hinchey  
 Brown (CA) Engel Holden  
 Brown (FL) Eshoo Hoyer  
 Brown (OH) Evans Jackson-Lee  
 Bryant (TX) Farr Jefferson  
 Cardin Fattah Johnson (SD)  
 Chapman Fazio Johnson, E.B.  
 Clay Fields (LA) Johnston  
 Clayton Filner Kanjorski  
 Clayburn Flake Kaptur  
 Coleman Foglietta Kennedy (MA)