

Nethercutt
Neumann
Ney
Norwood
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Roth
Roukema
Royce

Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Tauzin

Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Wamp
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)
Zimmer

Vento
Visclosky
Volkmer
Walker
Walsh
Ward

Watt (NC)
Waxman
Weldon (FL)
White
Williams
Zeliff

Wolf
Woolsey
Wynn
Yates
Zeliff

Camp
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Deutsch
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)

Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Hall (OH)
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)

Peterson (MN)
Petri
Pickett
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

So the amendment was not agreed to.

31.12 RECORDED VOTE

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

Strike section 607 and redesignate the succeeding sections accordingly.

It was decided in the { Yeas 151
negative } Nays 269

31.13 [Roll No. 74] AYES—151

Abercrombie
Ackerman
Allard
Armey
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clinger
Clyburn
Coburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford

Fox
Frank (MA)
Frelinghuysen
Frisa
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Herger
Hilliard
Hinchev
Hobson
Holden
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lofgren
Longley
Lowe
Lucas
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott

McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Neal
Nussle
Oberstar
Obey
Oliver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skeean
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Spratt
Stenholm
Studds
Stupak
Talent
Tanner
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez

Abercrombie
Ackerman
Andrews
Baldacci
Ballenger
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Canady
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Davis
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Frost

Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchev
Horn
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
LaFazio
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowe
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink

Mollohan
Morella
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Schiff
Schroeder
Scott
Serrano
Skaggs
Slaughter
Souders
Studds
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—269

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton

Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla

Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert

Camp
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Deutsch
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)

Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Hall (OH)
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)

NOT VOTING—11

Collins (IL)
Hostettler
Johnston
Moakley

Nadler
Porter
Radanovich
Rush

Stark
Stokes
Waters

So the amendment was not agreed to.

31.14 RECORDED VOTE

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

At the end of subtitle A of title VI insert the following new part:

PART 3—PUBLIC EDUCATION BENEFITS
SEC. 615. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

“TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

“CONGRESSIONAL POLICY REGARDING INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FOR PUBLIC EDUCATION BENEFITS

“SEC. 601. (a) Because Congress views that the right to a free public education for aliens who are not lawfully present in the United States promotes violations of the immigration laws and because such a free public education for such aliens creates a significant burden on States’ economies and depletes States’ limited educational resources, Congress declares it to be the policy of the United States that—

“(1) aliens who are not lawfully present in the United States not be entitled to public education benefits in the same manner as United States citizens and lawful resident aliens; and

“(2) States should not be obligated to provide public education benefits to aliens who are not lawfully present in the United States.

“(b) Nothing in this section shall be construed as expressing any statement of Federal policy with regard to—

“(1) aliens who are lawfully present in the United States, or

“(2) benefits other than public education benefits provided under State law.

“AUTHORITY OF STATES

“SEC. 602. (a) In order to carry out the policies described in section 601, each State may provide that an alien who is not lawfully present in the United States is not eligible for public education benefits in the State or, at the option of the State, may be treated as a non-resident of the State for purposes of provision of such benefits.

“(b) For purposes of subsection (a), an individual shall be considered to be not lawfully present in the United States unless the individual (or, in the case of an individual who is a child, another on the child’s behalf)—

“(1) declares in writing under penalty of perjury that the individual (or child) is a citizen or national of United States and (if required by a State) presents evidence of United States citizenship or nationality; or

“(2)(A) declares in writing under penalty of perjury that the individual (or child) is not a citizen or national of the United States but is lawfully present in the United States, and

“(B) presents either—

“(i) alien registration documentation or other proof of immigration registration from the Service, or

“(ii) such other documents as the State determines constitutes reasonable evidence indicating that the individual (or child) is lawfully present in the United States.

If the documentation described in paragraph (2)(B)(i) is presented, the State may (at its option) verify with the Service the alien’s immigration status through a system described in section 1137(d)(3) of the Social Security Act (42 U.S.C. 1320b-7(d)(3)).

“(c) If a State denies public education benefits under this section with respect to an alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the alien is lawfully present in the United States, consistent with subsection (b) and Federal immigration law.”

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following new items:

“TITLE VI—DISQUALIFICATION OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM CERTAIN PROGRAM

“Sec. 601. Congressional policy regarding ineligibility of aliens not lawfully present in the United States for public education benefits.

“Sec. 602. Authority of States.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date of the enactment of this Act.

It was decided in the { Yeas 257 affirmative } { Nays 163

31.15 [Roll No. 75] AYES—257

- Allard, Archer, Arney, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehner, Bonilla, Bono, Brewster, Browder, Brownback, Bryant (TN), Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, Deal, DeLay, Deutsch, Dickey, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everrett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gingrich, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gutknecht, Hall (OH), Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Hefner, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kim, King, Kingston, Klink, Klug, Knollenberg, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Lewis (CA), Lewis (KY), Lightfoot, Linder, Lipinski, Livingston, LoBiondo, Lucas, Manzullo, Martini, Mascara, McCollum, McCrery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, Metcalf, Meyers, Mica, Miller (FL), Minge, Montgomery, Moorhead, Moran, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Oxley, Packard, Parker, Paxon, Peterson (MN), Petri, Pickett, Pombo, Portman, Poshard, Pryce, Quillen, Ramstad, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Roth, Roukema, Royce, Salmon, Saxton, Scarborough, Schaefer, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Spratt, Stearns, Stenholm, Stockman, Stump, Stupak, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC)

- Thomas, Thornberry, Tiahrt, Torkildsen, Torricelli, Traficant, Upton, Visclosky, Vucanovich, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Whitfield, Wicker, Wilson, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOES—163

- Abercrombie, Ackerman, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Barton, Becerra, Beilenson, Bentsen, Berman, Bishop, Boehlert, Bonior, Borski, Boucher, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Bunn, Campbell, Chapman, Clay, Clayton, Clyburn, Coleman, Collins (MI), Conyers, Coyne, de la Garza, DeFazio, DeLauro, Dellums, Diaz-Balart, Dicks, Dingell, Dixon, Doggett, Dooley, Durbin, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gibbons, Gilman, Gonzalez, Green, Gunderson, Gutierrez, Harman, Hastings (FL), Hilliard, Hinchey, Houghton, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kleczka, Kolbe, LaFalce, Lantos, Leach, Levin, Lewis (GA), Lincoln, Lofgren, Longley, Lowey, Luther, Maloney, Manton, Markey, Martinez, Matsui, McCarthy, McDermott, Eshoo, McKinney, McNulty, Meehan, Meek, Menendez, Miller (CA), Mink, Molinari, Mollohan, Morella, Neal, Oberstar, Obey, Olver, Ortiz, Orton, Owens, Pallone, Pastor, Payne (NJ), Payne (VA), Pelosi, Pomeroy, Quinn, Rahall, Rangel, Reed, Richardson, Rivers, Ros-Lehtinen, Rose, Roybal-Allard, Sabo, Sanders, Sanford, Sawyer, Schiff, Schroeder, Schumer, Scott, Serrano, Skaggs, Skelton, Slaughter, Studds, Tejada, Thompson, Thornton, Thurman, Torres, Towns, Velazquez, Vento, Volkmer, Waldholtz, Ward, Watt (NC), Waxman, Weller, White, Williams, Wise, Woolsey, Wynn, Yates

NOT VOTING—12

- Collins (IL), Hostettler, Johnston, Moakley, Nadler, Peterson (FL), Porter, Radanovich, Rush, Stark, Stokes, Waters

So the amendment was agreed to.

31.16 RECORDED VOTE

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

Modify the amendment to read as follows: Strike section 401.