

imum wage from \$4.25 to \$5.15 would exceed the threshold amount under the rule of \$50 million. In fact, CBO estimates that it would impose an unfunded mandate burden of over \$1 billion over 5 years.

"Let me also point out that CBO estimates that this provision would result in a .5 percent to 2 percent reduction in the employment level of teenagers and a smaller percentage reduction for young adults. These would produce employment losses of roughly 100,000 to 500,000 jobs.

"Therefore, I urge the Chair to sustain this point of order, and I urge my colleagues to vote against consideration of this unfunded mandate on State and local governments."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded to the point of order, and said:

"The gentleman from Texas [Mr. ARCHER] makes a point of order that the motion violates section 425 of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the motion having that effect. Under section 426(b)(4) of the Act, the gentleman from Texas ARCHER] and the gentleman from Michigan [Mr. BONIOR] will each control ten minutes of debate on the point of order. Pursuant to section 426(b)(3) of the Act, after debate on the point of order the Chair will put the question of consideration, to wit: 'Will the House now consider the motion?'"

After debate,

37.12 WORDS TAKEN DOWN

Mr. DELAY during debate addressed the House and, during the course of his remarks,

Mr. BONIOR demanded that certain words be taken down.

The Clerk read the words taken down as follows:

The gentleman from New York [Mr. ENGEL], who just spoke before I did, said in his speech that we owe the American workers this vote and we owe the American worker to raise the minimum wage. I submit he got that from the convention that was just held in this town by the AFL-CIO, who said that they would raise over \$35 million to take this majority out. That is what this vote is all about. This group over here on this side of the aisle has been screaming and yelling for the last many weeks.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, held the words taken down to not be unparliamentary, and said:

"The Chair does not believe that anything in those remarks constitutes any personal reference to any other Member of this body."

Mr. BONIOR was recognized to speak to the ruling of the Chair, and said:

"Mr. Speaker, the Clerk needs to go back farther, because there was reference and the use of the word 'hypocrite', and the Clerk has not gone back far enough to pick up the word that I objected to. The word 'hypocrisy' was used, excuse me, Mr. Speaker."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded

to the remarks of the gentleman from Michigan [Mr. BONIOR], and said:

"The Chair would remind the gentleman that on points such as that, the point of order from the gentleman making the point of order has to be timely. The Clerk has gone back several sentences to transcribe what the gentleman had said, and the gentleman's demand certainly was not timely in this instance."

37.13 POINT OF ORDER

Mr. BONIOR made a point of order, and said:

"Mr. Speaker, that dialogue that I am referring to could not have taken more than 30 seconds, and it seems to me that I was indeed timely when I rose to my feet as the gentleman was completing his idea, which included referring to the gentleman from New York [Mr. ENGEL] with the term 'hypocrisy'."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded to the point of order, and said:

"Under the precedents set, those points of order raised by the gentleman have to be on a timely basis. This is precedent that has been set in this body for a number of years where there are intervening remarks that you are alluding to. So the Chair rules that the gentleman from Texas [Mr. DELAY] may proceed."

Mr. BONIOR appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. ARCHER moved to lay the appeal on the table.

The question being put, viva voce, Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. HASTING of Washington, announced that the yeas had it.

Mr. BONIOR demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 232 affirmative } Nays 185

37.14 [Roll No. 99] AYES—232

Allard	Brownback	Combest
Archer	Bryant (TN)	Cooley
Armey	Bunn	Cox
Bachus	Bunning	Crane
Baker (CA)	Burr	Crapo
Baker (LA)	Burton	Creameans
Ballenger	Buyer	Cubin
Barr	Callahan	Cunningham
Barrett (NE)	Calvert	Davis
Bartlett	Camp	Deal
Barton	Campbell	DeLay
Bass	Canady	Diaz-Balart
Bateman	Castle	Dickey
Bereuter	Chabot	Doolittle
Bilbray	Chambliss	Dornan
Bilirakis	Chenoweth	Dreier
Bliley	Christensen	Duncan
Blute	Chrysler	Dunn
Boehkert	Clinger	Ehlers
Boehner	Coble	Ehrlich
Bonilla	Coburn	Emerson
Bono	Collins (GA)	English

Ensign	Klug	Roberts
Everett	Knollenberg	Rogers
Ewing	Kolbe	Rohrabacher
Fawell	LaHood	Ros-Lehtinen
Fields (TX)	Largent	Roth
Flanagan	Latham	Roukema
Foley	LaTourrette	Royce
Forbes	Laughlin	Salmon
Fox	Lazio	Sanford
Franks (CT)	Leach	Saxton
Franks (NJ)	Lewis (CA)	Scarborough
Frelinghuysen	Lewis (KY)	Schaefer
Frisa	Lightfoot	Schiff
Funderburk	Linder	Seastrand
Gallegly	Livingston	Sensenbrenner
Ganske	LoBiondo	Shadegg
Gekas	Longley	Shaw
Gilchrest	Lucas	Shays
Gillmor	Manzullo	Shuster
Gilman	Martini	Skeen
Goodlatte	McCollum	Smith (MI)
Goodling	McCrery	Smith (NJ)
Goss	McDade	Smith (TX)
Graham	McHugh	Solomon
Greenwood	McInnis	Souder
Gunderson	McIntosh	Spence
Gutknecht	McKeon	Stearns
Hancock	Metcalf	Stockman
Hansen	Meyers	Stump
Hastert	Mica	Talent
Hastings (WA)	Miller (FL)	Tate
Hayworth	Molinari	Tauzin
Hefley	Moorhead	Taylor (NC)
Heineman	Morella	Thomas
Herger	Myers	Thornberry
Hilleary	Myrick	Tiahrt
Hobson	Nethercutt	Torkildsen
Hoekstra	Neumann	Upton
Hoke	Ney	Vucanovich
Horn	Norwood	Waldholtz
Hostettler	Nussle	Walker
Houghton	Oxley	Walsh
Hunter	Packard	Wamp
Hutchinson	Parker	Watts (OK)
Hyde	Paxon	Weldon (FL)
Inglis	Petri	Weller
Istook	Pombo	White
Jacobs	Porter	Whitfield
Johnson (CT)	Portman	Wicker
Johnson, Sam	Pryce	Wolf
Jones	Quillen	Young (AK)
Kasich	Quinn	Young (FL)
Kelly	Radanovich	Zeliff
Kim	Ramstad	Zimmer
King	Regula	
Kingston	Riggs	

NOES—185

Abercrombie	Dixon	Kanjorski
Ackerman	Doggett	Kaptur
Andrews	Dooley	Kennedy (MA)
Baessler	Doyle	Kennedy (RI)
Baldacci	Durbin	Kennelly
Barcia	Edwards	Kildee
Barrett (WI)	Engel	Klecza
Becerra	Eshoo	Klink
Beilenson	Evans	LaFalce
Bentsen	Farr	Lantos
Berman	Fattah	Levin
Bevill	Fazio	Lewis (GA)
Bishop	Flake	Lincoln
Bonior	Foglietta	Lipinski
Borski	Ford	Lofgren
Boucher	Frank (MA)	Lowe
Brewster	Furse	Luther
Browder	Gejdenson	Maloney
Brown (CA)	Gephardt	Manton
Brown (FL)	Geren	Markey
Brown (OH)	Gibbons	Mascara
Cardin	Gonzalez	Matsui
Chapman	Gordon	McCarthy
Clay	Green	McDermott
Clayton	Gutierrez	McHale
Clement	Hall (OH)	McKinney
Clyburn	Hall (TX)	Meehan
Coleman	Hamilton	Meek
Collins (MI)	Harman	Menendez
Condit	Hastings (FL)	Miller (CA)
Conyers	Hefner	Minge
Costello	Hilliard	Mink
Coyne	Hinchey	Moakley
Cramer	Holden	Mollohan
Danner	Hoyer	Montgomery
de la Garza	Jackson (IL)	Moran
DeFazio	Jackson-Lee	Murtha
DeLauro	(TX)	Nadler
Dellums	Jefferson	Neal
Deutsch	Johnson (SD)	Oberstar
Dicks	Johnson, E. B.	Obey
Dingell	Johnston	Olver

Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose

Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)

Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Bryant (TX)
Collins (IL)
Fields (LA)
Filner
Fowler

Frost
Hayes
Martinez
McNulty
Smith (WA)

Stokes
Tejeda
Weldon (PA)
Williams

So the motion to lay the appeal of the ruling of the Chair 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.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized the gentleman from Texas [Mr. DELAY] to proceed in order.

After further debate,

The question being put, viva voce,

Will the House now consider the motion to recommit with instructions?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays appeared to have it.

Mr. BONIOR demanded a recorded vote on the question as to whether the House should consider the motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the	{ Yeas	192
negative	{ Nays	228

¶37.15 [Roll No. 100]
AYES—192

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne

Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons

Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce

Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Oliver

Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Oliver

NOES—228

Allard
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Bilirakis
Biley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Hayworth
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Creameans
Cubin
Cunningham
Davis
Deal
DeLay
Kim
King
Kingston
Klug
Knollenberg
Dunn
Ehlers
Ehrlich

Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent

Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter

Smith (NJ)
Spratt
Stark
Stenholm
Stockman
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stump

Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh

Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Bryant (TX)
Collins (IL)
Diaz-Balart
Fields (LA)

Filner
Fowler
McNulty
Ros-Lehtinen

Smith (WA)
Stokes
Weldon (PA)

So, the question of consideration of said motion was resolved in the negative.

Mr. ORTON moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

On page 60, strike lines 5 through 15 and insert the following:

SEC. 205. EFFECTIVE DATES.

This title and the amendments made by it shall take effect and apply to measures enacted after the date of its enactment and shall have no force or effect on or after January 1, 2005.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. ORTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the	{ Yeas	159
negative	{ Nays	256

¶37.16 [Roll No. 101]
YEAS—159

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Chapman
Clay
Clement
Clyburn
Coburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner

de la Garza
DeFazio
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Ensign
Eshoo
Farr
Fattah
Fazio
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner

Hilliard
Hinchey
Holden
Hoyer
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
Meehan
Menendez
Miller (CA)