

this subsection is not subject to such section, the employer of such employee on such date shall—

(A) pay such employee not less than the minimum wage in effect under such section on May 15, 1996;

(B) pay such employee in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at less than the wage authorized in subparagraph (A) or to avoid the protections of subparagraphs (B) and (C). Any employer who violates the preceding sentence shall be considered to have violated section 15(a)(3) of the Fair Labor Standards Act of 1938.

When said amendment was considered.

After debate,

Pursuant to House Resolution 440, the question was divided between subsection (d) and the remainder of the new section proposed by said amendment.

The question being put, viva voce,

Will the House agree to the first three subsections of the new section proposed by the amendment?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays appeared to have it.

Mr. GOODLING objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 239 Nays 188

¶63.9

[Roll No. 193] YEAS—239

Table listing names of members voting 'Yeas' for §63.9, including Allard, Archer, Army, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Billbray, Bilirakis, Bliley, Boehner, Bonilla, Bono, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Davis, Deal, Dickey, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Eshoo, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Frelinghuysen, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrist, Gillmor, Goodlatte, Goodling, Goss, Graham, Greene (UT), Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Johnson (CT), Johnson, Sam

Table listing names of members voting 'Nays' for §63.9, including Jones, Kasich, Kelly, Kim, King, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Livingston, Lofgren, Lucas, Manzullo, McCollum, McCrery, McInnis, McIntosh, McKeon, Metcalf, Meyers, Mica, Miller (FL), Minge, Montgomery, Moorhead, Moran, Morella, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Orton, Oxley, Packard, Parker, Pastor, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Pryce, Quillen, Radanovich, Ramstad, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner

NAYS—188

Table listing names of members voting 'Nays' for §63.9, including Abercrombie, Ackerman, Andrews, Baesler, Baldacci, Barrett (WI), Beilenson, Berman, Bevill, Bishop, Blute, Boehlert, Bonior, Borski, Boucher, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Cardin, Chapman, Clay, Clayton, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Cummings, Danner, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Diaz-Balart, Dicks, Dingell, Dixon, Doggett, Dooley, Durbin, Edwards, Engel, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Frank (MA), Franks (NJ), Frisa, Frost, Furse, Gejdenson, Gephardt, Gibbons, Gilman, Gonzalez, Gordon, Green (TX), Gutierrez, Hall (OH), Hastings (FL), Hefner, Hilliard, Hinchey, Hoke, Holden, Hoyer, Jackson (IL), Jackson-Lee, Jacobs, Jefferson, Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kleczka, Klink, LaFalce, Lantos, Leach, Levin, Lewis (GA), Lipinski, LoBiondo, Longley, Lowey, Luther, Maloney, Manton, Markey, Martinez, Martini, Mascara, Matsui, McCarthy, McDade, McDermott, McHale, McHugh, McKinney, Meehan, Meek, Menendez, Millender-McDonald, Miller (CA), Mink, Moakley, Mollohan, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Payne (NJ), Pelosi, Peterson (FL), Pomeroy, Poshard, Quinn, Rahall, Rangel, Reed, Richardson, Rivers, Ros-Lehtinen, Rose, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Shays, Skaggs, Skelton, Slaughter, Smith (NJ), Spratt, Stark, Stokes, Studds, Stupak, Taylor (MS), Tejada, Thompson, Thornton, Thurman, Torres, Torricelli, Towns, Traficant, Velazquez, Vento, Visclosky

Table listing names of members voting 'Yeas' for §63.10, including Shadegg, Shaw, Shuster, Siskisky, Skeeen, Smith (MI), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Walker, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (FL), Zeliff

Table listing names of members voting 'Yeas' for §63.10, including Volkmer, Walsh, Waters, Watt (NC), Waxman

Table listing names of members voting 'Yeas' for §63.10, including Williams, Wilson, Wise, Woolsey, Wynn

Table listing names of members voting 'Yeas' for §63.10, including Yates, Young (AK), Zimmer

NOT VOTING—6

Table listing names of members not voting for §63.10, including Becerra, DeLay, Kingston, McNulty, Molinari, Ward

So, the first three subsections of the new section proposed by the amendment were agreed to.

The question being put, viva voce, Will the House agree to subsection (d) of the new section proposed by the amendment?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays appeared to have it.

Mr. GOODLING demanded a recorded vote on agreeing to subsection (d) of the new section proposed by the amendment, 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 196 negative Nays 229

¶63.10

[Roll No. 194] AYES—196

Table listing names of members voting 'Yeas' for §63.10, including Allard, Archer, Army, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Billbray, Bilirakis, Bliley, Boehner, Bonilla, Bono, Brewster, Brownback, Bryant (TN), Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combust, Cooley, Cox, Crane, Crapo, Cremeans, Cubin, Cunningham, Davis, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Frelinghuysen, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrist, Gillmor, Goodlatte, Goodling, Goss, Graham, Greene (UT), Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hostettler, Hunter, Hutchinson, Hyde, Inglis, Istook, Johnson, Sam, Jones, Kasich, Kim, Klug, Knollenberg, Kolbe, Largent, Latham, Laughlin, Lazio, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, Lucas, Manzullo, McCollum, McCrery, McInnis, McIntosh, McKeon, Meyers, Mica, Miller (FL), Montgomery, Moorhead, Myers, Myrick, Nethercutt, Neumann, Norwood, Nussle, Orton, Oxley, Packard, Parker, Paxon, Petri, Pickett, Pombro, Porter, Portman, Pryce, Quillen, Radanovich, Ramstad, Roberts, Rogers, Rohrabacher, Roth, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shuster, Skeeen, Smith (MI), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stump, Talent, Tate, Tauzin, Taylor (NC), Thomas, Thornberry