

Table listing names of representatives by state, including McCarthy (MO), Pelosi, Snyder, Barton, Hall (OH), Petri, Becerra, Hastings (FL), Morella, etc.

NOT VOTING—7

Table listing names of representatives who did not vote, including Brown (CA), Houghton, Weiner, Dicks, Martinez, etc.

So the amendment was not agreed to.

65.23 RECORDED VOTE

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

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

It was decided in the { Yeas 300 affirmative } Nays 127

65.24 [Roll No. 219] AYES—300

Table listing names of representatives who voted in favor, including Aderholt, Baird, Barr, Archer, Baker, Barrett (NE), etc.

Table listing names of representatives who did not vote, including Coburn, Collins, Combust, Condit, Cook, Costello, Cox, Cramer, Crane, Crowley, Cubin, Cunningham, Danner, Davis (FL), Davis (VA), Deal, DeFazio, DeLay, DeMint, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Doyle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Etheridge, Everett, Ewing, Fletcher, Foley, Forbes, Ford, Fossella, Fowler, Franks (NJ), Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Goode, Goodlatte, Goodling, Gordon, Goss, Graham, Granger, Green (TX), Green (WI), Greenwood, Gutknecht, etc.

NOES—127

Table listing names of representatives who voted in opposition, including Abercrombie, Allen, Andrews, etc.

NOT VOTING—7

Table listing names of representatives who did not vote, including Brown (CA), Houghton, Weiner, Dicks, Martinez, Gephardt, Thomas, etc.

So the amendment was agreed to.

65.25 RECORDED VOTE

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

Add at the end the following:

TITLE —LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES SEC. . . . LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking "In" and inserting "Except as otherwise provided in this subsection, in"; (2) by striking " , except that" and inserting " . However, "; and

(3) by adding at the end the following: "Attorneys' fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression."

It was decided in the { Yeas 238 affirmative } Nays 189

65.26 [Roll No. 220] AYES—238

Table listing names of representatives who voted in favor, including Aderholt, Biggert, Burton, Archer, Bilbray, Buyer, Armey, Bilirakis, Callahan, Bachus, Bishop, Calvert, Baker, Bliley, Camp, Ballenger, Blunt, Canady, Barcia, Boehner, Cannon, Barr, Bonilla, Chabot, Barrett (NE), Bono, Chambliss, Bartlett, Boswell, Chenoweth, Barton, Boucher, Clement, Bass, Brady (TX), Coble, Bateman, Bryant, Coburn, Berry, Burr, Collins, etc.