

could include, in the vagueness of it, the employer and possibly any other person. So I think it does open up a substantial liability and some vagueness which makes that liability unpredictable. The bill we are looking at, the base bill, has strong accountability.

When you talk about getting advice from someone, I was even thinking that all the advice that we get in whatever purchases we make, and I go back to the individual who offers me advice on buying suits, a guy named Harlan Logan. He is in Lexington, Kentucky. I know every suit I buy from Harlan Logan, he is going to make money. He should make money. He should be able to make a good, honest living for doing what he says. But that does not keep him from giving me good advice on what he is saying to me, and that is clearly disclosed. In the bill we have here, that conflict of interest, as you call it, is disclosed. It is disclosed at request. It is mandated to be disclosed on an annual basis initially and if there are any significant changes.

I think the substitute bill here, the amendment, really impedes the ability of employers to do what the purpose of this bill intends to do and that is provide employees with good advice and to make sure that they have a good retirement plan.

I would encourage Members to vote against that bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank the gentleman for yielding time.

Mr. Speaker, I want to thank the gentleman from Kentucky (Mr. FLETCHER) for his work on this bill and the gentleman from Texas (Mr. SAM JOHNSON) and all of the work that they have put into it over the last several years. I want to thank the gentleman from New Jersey (Mr. ANDREWS), who has worked closely with me as we have developed this bill. Obviously it does not have as many protections as he would like at this point in time. But as I have pledged to him over the years, we will continue to work through this process.

We have got a strong bipartisan bill. We have added new protections or at least have an agreement to add some additional protections based on a colloquy I had with the gentleman from North Dakota (Mr. POMEROY). But I think all of us know that the substitute that we have before us just goes way too far. While it is well meaning and well intended, expanding litigation in our country is not going to create an environment for employers or their advisors to want to give investment advice which I believe the substitute does. The extra regulatory burdens that are contained in the substitute will again discourage employers and their advisors from engaging in making sure that the American workers get

the kind of investment advice they need if they are going to increase their retirement security.

Why is this investment advice so sorely needed? Because we have got all kinds of problems out there, with people who are underinvested in their self-directed accounts, having their money in low-yield instruments for long periods of time when we know that over a course of 10, 20, 30 years, equities would provide a much greater return and much greater retirement security.

On the other end of the spectrum, we know that we have got employees who are overinvested in one sector or another and we have seen this happen, especially in the technology sector, when people were overinvested in that industry and what has happened to their self-directed accounts over the last 18 months to 2 years.

□ 1330

So we know investment advice is necessary.

We heard the gentleman from Kentucky (Mr. FLETCHER) talk about the advice that he got from his tailor. Let us say that an employee today outside of his employment with his own savings, his or her own money, if they want to go to a broker, a mutual fund, and they ask for advice, guess what? They get all kinds of advice. Why? Because outside of ERISA, outside of an employer-provided plan, there is plenty of advice.

What we are trying to do here is make sure that those same employees within the employer plan have the same kind of access to that advice that they have outside of the employer's plan.

So, Mr. Speaker, I would ask my colleagues to vote no on the Andrews-Rangel substitute and to support final passage.

Mr. FLETCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 288, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

Pursuant to the previous order of the House, further consideration of the bill is postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments a bill of the House of the following title:

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 162

Mr. BONILLA (during debate on H.R. 2269). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 162.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1439

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 39 minutes p.m.

RETIREMENT SECURITY ADVICE ACT OF 2001

The SPEAKER pro tempore. Pursuant to the previous order of the House, proceedings will now resume on the bill, H.R. 2269.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 180, nays 243, not voting 9, as follows:

[Roll No. 441]

YEAS—180

Abercrombie	Barrett	Borski
Ackerman	Berkley	Boswell
Allen	Berman	Boucher
Andrews	Berry	Brady (PA)
Baca	Bishop	Brown (FL)
Baldacci	Blagojevich	Brown (OH)
Baldwin	Blumenauer	Capps
Barcia	Bonior	Capuano

Bonior	Jackson-Lee	Owens
Borski	(TX)	Pallone
Boucher	Jefferson	Pascarella
Brady (PA)	Johnson, E. B.	Pastor
Brown (FL)	Jones (OH)	Payne
Brown (OH)	Kanjorski	Pelosi
Capps	Kaptur	Phelps
Capuano	Kennedy (RI)	Price (NC)
Cardin	Kildee	Rahall
Carson (IN)	Kilpatrick	Rangel
Clay	Kleccka	Rivers
Clayton	Kucinich	Rodriguez
Clyburn	LaFalce	Ross
Conyers	Lampson	Rothman
Costello	Langevin	Roybal-Allard
Coyne	Lantos	Rush
Cummings	Lee	Sanders
Davis (IL)	Levin	Sawyer
DeFazio	Lewis (GA)	Schakowsky
DeGette	Lipinski	Scott
Delahunt	Lofgren	Serrano
DeLauro	Lowey	Shows
Deutsch	Luther	Slaughter
Dingell	Lynch	Solis
Doggett	Markey	Spratt
Doyle	Mascara	Stark
Edwards	McCollum	Strickland
Engel	McDermott	Stupak
Eshoo	McGovern	Thompson (MS)
Etheridge	McKinney	Thurman
Evans	McNulty	Tierney
Farr	Meehan	Towns
Fattah	Meek (FL)	Udall (CO)
Filner	Menendez	Udall (NM)
Frank	Millender-	Velázquez
Gephardt	McDonald	Visclosky
Green (TX)	Miller, George	Waters
Gutierrez	Mink	Watson (CA)
Hilliard	Mollohan	Watt (NC)
Hinchee	Murtha	Waxman
Hoefel	Nadler	Weiner
Holden	Napolitano	Wexler
Honda	Oberstar	Woolsey
Hoyer	Obey	Wynn
Jackson (IL)	Oliver	

NOT VOTING—8

Barton	Hall (OH)	Largent
Becerra	Hastings (FL)	Meeks (NY)
Cubin	Keller	

□ 1518

Mr. LYNCH changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, November 13, 2001, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 228, by the yeas and nays;

H.R. 2887, by the yeas and nays;

House Concurrent Resolution 239, by the yeas and nays.

PUT OUR CHILDREN FIRST
RESOLUTION OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 228, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 443]

YEAS—418

Abercrombie	Crenshaw	Hastings (WA)
Ackerman	Crowley	Hayes
Aderholt	Culberson	Hayworth
Akin	Cummings	Hefley
Allen	Cunningham	Herger
Andrews	Davis (CA)	Hill
Armye	Davis (FL)	Hilleary
Baca	Davis (IL)	Hilliard
Bachus	Davis, Jo Ann	Hinchee
Baird	Davis, Tom	Hinojosa
Baker	Deal	Hobson
Baldacci	DeFazio	Hoefel
Baldwin	DeGette	Hoekstra
Ballenger	Delahunt	Holden
Barcia	DeLauro	Holt
Barr	DeLay	Honda
Barrett	DeMint	Hooley
Bartlett	Deutsch	Horn
Bass	Diaz-Balart	Hostettler
Bentsen	Dicks	Houghton
Bereuter	Dingell	Hoyer
Berkley	Doggett	Hulshof
Berman	Dooley	Hunter
Berry	Doolittle	Hyde
Biggert	Doyle	Inslie
Bilirakis	Dreier	Isakson
Bishop	Duncan	Israel
Blagojevich	Dunn	Issa
Blumenauer	Edwards	Istook
Blunt	Ehlers	Jackson (IL)
Boehert	Ehrlich	Jackson-Lee
Boehner	Emerson	(TX)
Bonilla	Engel	Jefferson
Bonior	English	Jenkins
Bono	Eshoo	John
Borski	Etheridge	Johnson (CT)
Boswell	Evans	Johnson (IL)
Boucher	Everett	Johnson, E. B.
Boyd	Farr	Johnson, Sam
Brady (PA)	Fattah	Jones (NC)
Brady (TX)	Ferguson	Jones (OH)
Brown (FL)	Filner	Kanjorski
Brown (OH)	Flake	Kaptur
Brown (SC)	Fletcher	Kelly
Bryant	Foley	Kennedy (MN)
Burr	Forbes	Kennedy (RI)
Burton	Fossella	Kerns
Buyer	Frank	Kildee
Callahan	Frelinghuysen	Kilpatrick
Calvert	Frost	Kind (WI)
Camp	Gallegly	King (NY)
Cannon	Ganske	Kingston
Cantor	Gekas	Kleccka
Capito	Gephardt	Knollenberg
Capps	Gibbons	Kolbe
Capuano	Gilchrest	Kucinich
Cardin	Gillmor	LaFalce
Carson (IN)	Gilman	LaHood
Carson (OK)	Gonzalez	Lampson
Castle	Goode	Langevin
Chabot	Goodlatte	Lantos
Chambliss	Gordon	Larsen (WA)
Clay	Goss	Larson (CT)
Clayton	Graham	Latham
Clement	Granger	LaTourette
Clyburn	Graves	Leach
Coble	Green (TX)	Lee
Collins	Green (WI)	Levin
Combust	Greenwood	Lewis (CA)
Condit	Grucci	Lewis (GA)
Conyers	Gutierrez	Lewis (KY)
Cooksey	Gutknecht	Linder
Costello	Hall (TX)	Lipinski
Coyne	Hansen	LoBiondo
Cramer	Harman	Lofgren
Crane	Hart	Lowey

Lucas (KY)	Peterson (MN)	Smith (NJ)
Lucas (OK)	Peterson (PA)	Smith (TX)
Luther	Petri	Smith (WA)
Lynch	Phelps	Snyder
Maloney (CT)	Pickering	Solis
Maloney (NY)	Pitts	Souder
Manzullo	Platts	Spratt
Markey	Pombo	Stark
Mascara	Pomeroy	Stearns
Matheson	Portman	Stenholm
Matsui	Price (NC)	Strickland
McCarthy (MO)	Pryce (OH)	Stump
McCarthy (NY)	Putnam	Stupak
McCollum	Quinn	Sununu
McDermott	Radanovich	Sweeney
McGovern	Rahall	Tancredo
McHugh	Ramstad	Tanner
McInnis	Rangel	Tauscher
McIntyre	Regula	Tauzin
McKeon	Rehberg	Taylor (MS)
McKinney	Reyes	Taylor (NC)
McNulty	Reynolds	Terry
Meehan	Riley	Thomas
Meek (FL)	Rivers	Thompson (CA)
Menendez	Rodriguez	Thompson (MS)
Mica	Roemer	Thornberry
Millender-	Rogers (KY)	Thune
McDonald	Rogers (MI)	Thurman
Miller, Dan	Rohrabacher	Tiaht
Miller, Gary	Ros-Lehtinen	Tiberi
Miller, George	Ross	Tierney
Miller, Jeff	Rothman	Toomey
Mink	Roukema	Towns
Mollohan	Roybal-Allard	Trafficant
Moore	Rush	Turner
Moran (KS)	Ryan (WI)	Udall (CO)
Moran (VA)	Ryun (KS)	Udall (NM)
Morella	Sabo	Upton
Murtha	Sanchez	Velázquez
Myrick	Sanders	Visclosky
Nadler	Sandlin	Vitter
Napolitano	Sawyer	Walden
Neal	Saxton	Walsh
Nethercutt	Schaffer	Wamp
Ney	Schakowsky	Waters
Northup	Schiff	Watkins (OK)
Norwood	Schrock	Watson (CA)
Nussle	Scott	Watt (NC)
Oberstar	Sensenbrenner	Watts (OK)
Obey	Serrano	Waxman
Oliver	Sessions	Weiner
Ortiz	Shadegg	Weldon (FL)
Osborne	Shaw	Weldon (PA)
Ose	Shays	Weller
Otter	Sherman	Wexler
Owens	Sherwood	Whitfield
Oxley	Shimkus	Wicker
Pallone	Shows	Wilson
Pascarella	Shuster	Wolf
Pastor	Simpson	Woolsey
Paul	Skeen	Wu
Payne	Skeltan	Wynn
Pelosi	Slaughter	Young (AK)
Pence	Smith (MI)	Young (FL)

NOT VOTING—14

Barton	Hall (OH)	McCrary
Becerra	Hastings (FL)	Meeks (NY)
Cox	Keller	Royce
Cubin	Kirk	Simmons
Ford	Largent	

□ 1526

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance,