

on July 1, 1996, and not less than \$5.15 an hour after the expiration of such year;".

Pending consideration of said amendment,

¶63.6 POINT OF ORDER

Mr. PORTMAN made a point of order against the amendment as violating section 425(a) of the Congressional Budget Act of 1974, and said:

"Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act, it is not in order for the House to consider any amendment that would increase the direct costs of Federal inter-governmental mandates in excess of \$50 million annually. The precise language in the amendment before us on which this is based is 'Paragraph 1 of section 6(a) of the Fair Labor Standards Act of 1938 is amended to read as follows: Not less than \$.75 an hour during the year beginning July 1, 1996, and not less than \$5.15 an hour after the expiration of such year.'

"It is upon this basis and the impact this amendment would have on State and local government as estimated by the Congressional Budget Office that I raise this point of order, and ask for ruling from the Chair."

The SPEAKER pro tempore, Mr. WALKER, responded to the point and said:

"The gentleman from Ohio [Mr. PORTMAN] makes a point of order that the amendment violates section 425(a) 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 in the amendment on which he predicates the point of order. Under section 426(b)(4) of the Act, the gentleman from Ohio and a Member opposed each will control 10 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 amendment?'"

After debate,  
The question being put, viva voce,  
Will the House now consider said amendment?

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

Mr. CLAY 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 ..... 267  
Nays ..... 161

¶63.7 [Roll No. 191]  
YEAS—267

Abercrombie	Beilenson	Boehlert
Ackerman	Bentsen	Bonior
Andrews	Bereuter	Borski
Bachus	Berman	Boucher
Baessler	Bevill	Browder
Baldacci	Bilbray	Brown (CA)
Barcia	Bilirakis	Brown (FL)
Barrett (WI)	Bishop	Brown (OH)
Becerra	Blute	Bryant (TX)

Bunn	Holden	Payne (VA)
Buyer	Horn	Pelosi
Canady	Houghton	Peterson (FL)
Cardin	Hoyer	Peterson (MN)
Castle	Jackson (IL)	Pickett
Chapman	Jackson-Lee	Pomeroy
Clay	(TX)	Poshard
Clayton	Jacobs	Quillen
Clement	Jefferson	Quinn
Clinger	Johnson (CT)	Rahall
Clyburn	Johnson (SD)	Ramstad
Coleman	Johnson, E. B.	Rangel
Collins (IL)	Johnston	Reed
Collins (MI)	Kanjorski	Regula
Condit	Kaptur	Richardson
Conyers	Kelly	Riggs
Costello	Kennedy (MA)	Rivers
Coyne	Kennedy (RI)	Roberts
Cramer	Kennelly	Roemer
Creameans	Kildee	Rogers
Cummings	King	Ros-Lehtinen
Danner	Klecza	Rose
de la Garza	Klink	Roukema
Deal	Klug	Roybal-Allard
DeFazio	LaFalce	Rush
DeLauro	Lantos	Sabo
Dellums	LaTourette	Sanders
Deutsch	Lazio	Sawyer
Diaz-Balart	Leach	Schiff
Dicks	Levin	Schroeder
Dingell	Lewis (CA)	Schumer
Dixon	Lewis (GA)	Scott
Doggett	Lincoln	Serrano
Dooley	Lipinski	Shaw
Doyle	LoBiondo	Shays
Duncan	Lofgren	Sisisky
Durbin	Longley	Skaggs
Edwards	Luther	Skelton
English	Maloney	Slaughter
Ensign	Manton	Smith (NJ)
Eshoo	Markey	Smith (WA)
Evans	Martinez	Solomon
Farr	Martini	Spratt
Fattah	Mascara	Stark
Fazio	Matsui	Stockman
Fields (LA)	McCarthy	Stokes
Filner	McDade	Studds
Flake	McDermott	Stupak
Flanagan	McHale	Tanner
Foglietta	McHugh	Taylor (MS)
Foley	McKinney	Tejeda
Forbes	McNulty	Thompson
Ford	Meehan	Thornton
Fox	Meek	Thurman
Frank (MA)	Menendez	Torkildsen
Franks (NJ)	Metcalfe	Torres
Frisa	Millender-	Torricelli
Frost	McDonald	Towns
Furse	Miller (CA)	Traficant
Gallegly	Minge	Upton
Ganske	Mink	Velazquez
Gejdenson	Moakley	Vento
Gephardt	Mollohan	Visclosky
Gibbons	Moorhead	Volkmer
Gillmor	Moran	Walsh
Gilman	Morella	Walters
Gonzalez	Murtha	Watt (NC)
Gordon	Nadler	Waxman
Green (TX)	Neal	Weldon (PA)
Greenwood	Neumann	Weller
Gunderson	Ney	Whitfield
Gutierrez	Oberstar	Williams
Hall (OH)	Obey	Wilson
Hamilton	Olver	Wise
Harman	Ortiz	Woolsey
Hastings (FL)	Orton	Wynn
Hefner	Owens	Yates
Hilliard	Pallone	Young (AK)
Hinchev	Pastor	Young (FL)
Hobson	Payne (NJ)	Zimmer
Hoke		

NAYS—161

Allard	Brownback	Combest
Archer	Bryant (TN)	Cooley
Armye	Bunning	Cox
Baker (CA)	Burr	Crane
Baker (LA)	Burton	Crapo
Ballenger	Callahan	Cubin
Barr	Calvert	Cunningham
Barrett (NE)	Camp	Davis
Bartlett	Campbell	DeLay
Barton	Chabot	Dickey
Bass	Chambliss	Doolittle
Bateman	Chenoweth	Dornan
Bliley	Christensen	Dreier
Boehner	Chrysler	Dunn
Bonilla	Coble	Ehlers
Bono	Coburn	Ehrlich
Brewster	Collins (GA)	Emerson

Everett	Kingston	Rohrabacher
Ewing	Knollenberg	Roth
Fawell	Kolbe	Royce
Fields (TX)	LaHood	Salmon
Fowler	Largent	Sanford
Frelinghuysen	Latham	Saxton
Funderburk	Laughlin	Scarborough
Gekas	Lewis (KY)	Schaefer
Geran	Lightfoot	Seastrand
Gilchrest	Linder	Sensenbrenner
Goodlatte	Livingston	Shadegg
Goodling	Lucas	Shuster
Goss	Manzullo	Skeen
Graham	McCollum	Smith (MI)
Greene (UT)	McCrery	Smith (TX)
Gutknecht	McInnis	Souder
Hall (TX)	McIntosh	Spence
Hansen	McKeon	Stearns
Hastert	Meyers	Stenholm
Hastings (WA)	Mica	Stump
Hayes	Miller (FL)	Talent
Hayworth	Montgomery	Tate
Hefley	Myers	Tauzin
Heineman	Myrick	Taylor (NC)
Herger	Nethercutt	Thomas
Hilleary	Norwood	Thornberry
Hoekstra	Nussle	Tiahrt
Hostettler	Oxley	Vucanovich
Hunter	Packard	Walker
Hutchinson	Parker	Wamp
Hyde	Paxon	Watts (OK)
Inglis	Petri	Weldon (FL)
Istook	Pombo	White
Johnson, Sam	Porter	Wicker
Jones	Portman	Wolf
Kasich	Pryce	Zeliff
Kim	Radanovich	

NOT VOTING—5

Engel	Hancock	Ward
Franks (CT)	Molinari	

So, the question of consideration was resolved in the affirmative.

When said amendment was considered.

After debate,

Pursuant to House Resolution 440, the previous question on the amendment was considered as ordered.

The question being put, viva voce,

Will the House agree to the amendment?

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

Mr. RIGGS demanded a recorded vote on 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 ..... 266  
affirmative ..... { Nays ..... 162

¶63.8 [Roll No. 192]  
AYES—266

Abercrombie	Bunn	Deutsch
Ackerman	Buyer	Diaz-Balart
Andrews	Canady	Dicks
Bachus	Cardin	Dingell
Baessler	Castle	Dixon
Baldacci	Chapman	Doggett
Barrett (WI)	Clay	Dooley
Beilenson	Clayton	Doyle
Bentsen	Clement	Duncan
Bereuter	Clyburn	Durbin
Berman	Coleman	Edwards
Bevill	Collins (IL)	Engel
Bilbray	Collins (MI)	English
Bilirakis	Condit	Ensign
Bishop	Conyers	Eshoo
Blute	Costello	Evans
Boehlert	Coyne	Farr
Bonior	Cramer	Fattah
Bono	Creameans	Fazio
Borski	Cummings	Fields (LA)
Boucher	Danner	Filner
Browder	de la Garza	Flake
Brown (CA)	Deal	Flanagan
Brown (FL)	DeFazio	Foglietta
Brown (OH)	DeLauro	Foley
Bryant (TX)	Dellums	Forbes

Ford	Lipinski	Roemer
Fox	LoBiondo	Rogers
Frank (MA)	Lofgren	Ros-Lehtinen
Franks (NJ)	Longley	Roukema
Frisa	Lowe	Roybal-Allard
Frost	Luther	Rush
Furse	Maloney	Sabo
Ganske	Manton	Sanders
Gejdenson	Markey	Sawyer
Gephardt	Martinez	Schiff
Gibbons	Martini	Schroeder
Gillmor	Mascara	Schumer
Gilman	Matsui	Scott
Gonzalez	McCarthy	Serrano
Gordon	McDade	Shaw
Green (TX)	McDermott	Shays
Greenwood	McHale	Sisisky
Gunderson	McHugh	Skaggs
Gutierrez	McKinney	Skelton
Hall (OH)	McNulty	Slaughter
Hamilton	Meehan	Smith (NJ)
Harman	Meek	Smith (WA)
Hastings (FL)	Menendez	Solomon
Hayes	Metcalfe	Spratt
Heimer	Millender-	Stark
Heineman	McDonald	Stockman
Hilleary	Miller (CA)	Stokes
Hilliard	Minge	Studds
Hinchey	Mink	Stupak
Hobson	Moakley	Tanner
Hoke	Mollohan	Tauzin
Holden	Moran	Taylor (MS)
Houghton	Morella	Tejeda
Hoyer	Murtha	Thompson
Jackson (IL)	Nadler	Thornton
Jackson-Lee	Neal	Thurman
(TX)	Neumann	Torkildsen
Jacobs	Ney	Torres
Jefferson	Oberstar	Torrice
Johnson (CT)	Obey	Towns
Johnson (SD)	Olver	Traficant
Johnson, E. B.	Ortiz	Upton
Johnston	Orton	Velazquez
Kanjorski	Owens	Vento
Kaptur	Pallone	Visclosky
Kelly	Pastor	Volkmer
Kennedy (MA)	Payne (NJ)	Walsh
Kennedy (RI)	Payne (VA)	Waters
Kennelly	Pelosi	Watt (NC)
Kildee	Peterson (FL)	Waxman
King	Peterson (MN)	Weldon (PA)
Klecicka	Pickett	Weller
Klink	Pomeroy	Whitfield
LaFalce	Poshard	Williams
LaHood	Quinn	Wilson
Lantos	Rahall	Wise
LaTourette	Ramstad	Woolsey
Lazio	Rangel	Wynn
Leach	Reed	Yates
Levin	Regula	Young (AK)
Lewis (CA)	Richardson	Young (FL)
Lewis (GA)	Riggs	Zimmer
Lightfoot	Rivers	
Lincoln	Roberts	

## NOES—162

Allard	Combust	Gutknecht
Archer	Cooley	Hall (TX)
Armey	Cox	Hancock
Baker (CA)	Crane	Hansen
Baker (LA)	Crapo	Hastert
Ballenger	Cubin	Hastings (WA)
Barr	Cunningham	Hayworth
Barrett (NE)	Davis	Hefley
Bartlett	DeLay	Hergert
Barton	Dickey	Hoekstra
Bass	Doolittle	Hostettler
Bateman	Dornan	Hunter
Biley	Dreier	Hutchinson
Boehner	Dunn	Hyde
Bonilla	Ehlers	Inglis
Brewster	Ehrlich	Istook
Brownback	Emerson	Johnson, Sam
Bryant (TN)	Everett	Jones
Bunning	Ewing	Kasich
Burr	Fawell	Kim
Burton	Fields (TX)	Kingston
Callahan	Fowler	Klug
Calvert	Franks (CT)	Knollenberg
Camp	Frelinghuysen	Kolbe
Campbell	Funderburk	Largent
Chabot	Gallely	Latham
Chambliss	Gekas	Laughlin
Chenoweth	Geren	Lewis (KY)
Christensen	Gilchrest	Linder
Chrysler	Goodlatte	Livingston
Clinger	Goodling	Lucas
Coble	Goss	Manzullo
Coburn	Graham	McCollum
Collins (GA)	Greene (UT)	McCrery

McInnis	Portman	Souder
McIntosh	Pryce	Spence
McKeon	Quillen	Stearns
Meyers	Radanovich	Stenholm
Mica	Rohrabacher	Stump
Miller (FL)	Rose	Talent
Montgomery	Roth	Tate
Moorhead	Royce	Taylor (NC)
Myers	Salmon	Thomas
Myrick	Sanford	Thornberry
Nethercutt	Saxton	Tiahrt
Norwood	Scarborough	Vucanovich
Nussle	Schaefer	Walker
Oxley	Seastrand	Wamp
Packard	Sensenbrenner	Watts (OK)
Parker	Shadegg	Weldon (FL)
Paxon	Shuster	White
Petri	Skeen	Wicker
Pombo	Smith (MI)	Wolf
Porter	Smith (TX)	Zeliff

## NOT VOTING—5

Barcia	Horn	Ward
Becerra	Molinari	

So the amendment was agreed to.

Mr. GOODLING, pursuant to House Resolution 440, offered the following amendment:

Add at the end the following:

**SEC. 3. FAIR LABOR STANDARDS ACT AMENDMENTS.**

(a) **COMPUTER PROFESSIONALS.**—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting “; or” and by adding after that paragraph the following:

“(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

“(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

“(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

“(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

“(D) a combination of duties described in subparagraphs (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour.”.

(b) **TIP CREDIT.**—The next to last sentence of section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended to read as follows: “In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee’s employer shall be an amount equal to—

“(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

“(2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in paragraph (1) and the cash wage in effect under section 6(a)(1). The additional amount on account of tips may not exceed the value of the tips actually received by an employee.”.

(c) **OPPORTUNITY WAGE.**—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

“(g)(1) In lieu of the rate prescribed by subsection(a)(1), any employer may pay any employee of such employer, during the first 90

consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour.

“(2) 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 the wage authorized in paragraph (1).

“(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).

“(4) This subsection shall only apply to an employee who has not attained the age of 20 years.”.

(d) **SMALL BUSINESS EXEMPTION.**—

(1) **SPECIAL INDUSTRY COMMITTEES.**—Section 5(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205(a)) is amended by striking “engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce” each time that it appears and inserting each time the following: “who are (1) engaged in industrial homework subject to 11(d) and are either (A) engaged in commerce, or (B) engaged in the production of goods for commerce, or (2) employed in an enterprise engaged in commerce or in the production of goods for commerce”.

(2) **MINIMUM WAGE.**—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking “who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce” and inserting the following: “who in any workweek is engaged in industrial homework subject to 11(d) and is either engaged in commerce or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce”.

(3) **WAGE ORDERS.**—Section 8(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208(a)) is amended by striking “employers in American Samoa engaged in commerce or in the production of goods for commerce or” and inserting in lieu thereof “employers in American Samoa”.

(4) **MAXIMUM HOURS.**—Paragraphs (1) and (2) of section 7(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)) are each amended by striking “who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce” and inserting the following: “who in any workweek is (A) engaged in industrial homework subject to 11(d) and is either (i) engaged in commerce, or (ii) engaged in the production of goods for commerce, or (B) employed in an enterprise engaged in commerce or in the production of goods for commerce”.

(6) **SEX DISCRIMINATION.**—Paragraphs (1) and (2) of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) are each amended by inserting after “employees subject to any provisions of this section” the following: “or employees engaged in commerce or in the production of goods for commerce”.

(7) **HANDICAPPED WORKERS.**—Section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended by inserting after “injury” the following: “and who are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce”.

(8) **PRESERVATION OF COVERAGE.**—In the case of an employee who on May 15, 1996, was subject to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) and who because of the amendments made by

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 representatives under 'YEAS—239' 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, Creameans, 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 representatives 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 representatives under 'NAYS—188' 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 representatives 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 representatives including Volkmer, Walsh, Waters, Watt (NC), Waxman

Table listing names of representatives including Williams, Wilson, Wise, Woolsey, Wynn

Table listing names of representatives including Yates, Young (AK), Zimmer

NOT VOTING—6

Table listing names of representatives under 'NOT VOTING—6' 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 representatives under 'AYES—196' 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, Creameans, Cubin, Cunningham, Davis, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, 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, Dornan, Lewis (CA), Dreier, Lewis (KY), Lightfoot, Linder, Livingston, Lucas, Manuzullo, 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