

So the amendment was not agreed to.

§82.23 RECORDED VOTE

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

On page 23, line 16, insert the following after the word "made": "in excess of \$490,000".

It was decided in the { Yeas 162 negative } { Nays 238

§82.24 [Roll No. 289] AYES—162

- Abercrombie Forbes Neal
Andrews Ford Oberstar
Baesler Frank (MA) Oliver
Barcia Frost Ortiz
Becerra Furse Owens
Beilenson Gejdenson Pallone
Bentsen Gonzalez Pastor
Berman Gordon Payne (NJ)
Bevill Green (TX) Payne (VA)
Bilbray Hamilton Pelosi
Bishop Harman Poshard
Blumenauer Hastings (FL) Rahall
Boehlert Hefner Rangel
Bonior Hilliard Reed
Borski Hinchey Richardson
Boucher Holden Rose
Browder Hoyer Roybal-Allard
Brown (CA) Jackson (IL) Rush
Brown (FL) Jackson-Lee Sabo
Brown (OH) (TX) Sanders
Cardin Jefferson Sawyer
Chapman Johnson, E. B. Schroeder
Clay Johnston Schumer
Clayton Kanjorski Scott
Clement Kaptur Serrano
Clyburn Kennedy (MA) Skaggs
Coleman Kennedy (RI) Skelton
Collins (IL) Kennelly Slaughter
Collins (MI) Kleczka Spratt
Condit LaHood Stokes
Conyers Lantos Studds
Costello Levin Stupak
Coyne Lewis (GA) Tanner
Cramer Lipinski Tejada
Cummings Lofgren Thompson
Danner Lowey Thornton
de la Garza Maloney Thurman
DeFazio Manton Torres
DeLauro Markey Trafficant
Dellums Mascara Velazquez
Deutsch Matsui Vento
Dicks McDermott Visclosky
Dixon McHale Volkmer
Doggett McKinney Walsh
Dooley McNulty Ward
Doyle Meek Waters
Edwards Menendez Watt (NC)
Engel Millender Waxman
Eshoo McDonald Whitfield
Evans Miller (CA) Williams
Farr Mink Wilson
Fattah Moakley Wise
Fazio Montgomery Woolsey
Fields (LA) Moran Wynn
Filner Nadler

NOES—238

- Allard Bunning Cremeans
Archer Burr Cubin
Armye Burton Cunningham
Bachus Buyer Davis
Baker (CA) Callahan Deal
Baldacci Calvert DeLay
Ballenger Camp Diaz-Balart
Barr Campbell Dickey
Barrett (NE) Canady Dingell
Barrett (WI) Castle Doolittle
Bartlett Chabot Dornan
Barton Chambliss Dreier
Bass Chenoweth Duncan
Bateman Christensen Dunn
Bereuter Chrysler Durbin
Bilirakis Clinger Ehlers
Bliley Coble Ehrlich
Blute Coburn English
Boehner Collins (GA) Ensign
Bonilla Everett
Bono Cooley Ewing
Brownback Cox Fawell
Bryant (TN) Crane Fields (TX)
Bunn Crapo Flanagan

- Foley Latham Ramstad
Fowler LaTourrette Regula
Fox Laughlin Riggs
Franks (CT) Lazio Rivers
Franks (NJ) Leach Roberts
Frelinghuysen Lewis (CA) Roemer
Frisa Lewis (KY) Rogers
Funderburk Lightfoot Rohrabacher
Gallegly Livingston Ros-Lehtinen
Ganske LoBiondo Roth
Gekas Longley Roukema
Geren Lucas Royce
Gilchrist Luther Salmon
Gillmor Manzullo Sanford
Gilman Martini Saxton
Goodlatte McCarthy Scarborough
Goss McCollum Schaefer
Graham McCreery Schiff
Greene (UT) McHugh Seastrand
Greenwood McInnis Sensenbrenner
Gunderson McIntosh Shadegg
Gutknecht McKeon Shaw
Hall (TX) Meehan Shays
Hancock Metcalf Shuster
Hansen Meyers Sisisky
Hastert Mica Skeen
Hastings (WA) Miller (FL) Smith (MI)
Hayworth Minge Smith (NJ)
Hefley Molinari Smith (WA)
Heineman Mollohan Souder
Herger Moorhead Spence
Hilleary Morella Stearns
Hobson Murtha Stenholm
Hoekstra Myers Stump
Hoke Myrick Talent
Horn Nethercutt Tate
Hostettler Neumann Tauzin
Hunter Ney Taylor (MS)
Hutchinson Norwood Thomas
Hyde Nussle Thornberry
Inglis Orton Tiahrt
Istook Oxley Tortkildsen
Johnson (CT) Packard Upton
Johnson (SD) Parker Walker
Jones Paxon Wamp
Kasich Peterson (MN) Watts (OK)
Kelly Petri Weldon (FL)
Kildee Pickett Weller
Kim Pomo White
King Pomeroy Wicker
Kingston Porter Wolf
Klink Portman Young (AK)
Klug Pryce Zeliff
Knollenberg Quillen Zimmer
Kolbe Quinn
Largent Radanovich

NOT VOTING—33

- Ackerman Hayes Smith (TX)
Baker (LA) Houghton Solomon
Brewster Jacobs Stark
Bryant (TX) Johnson, Sam Stockman
Flake LaFalce Taylor (NC)
Foglietta Lincoln Torricelli
Gephardt Linder Towns
Gibbons Martinez Vucanovich
Goodling McDade Weldon (PA)
Gutierrez Obey Yates
Hall (OH) Peterson (FL) Young (FL)

So the amendment was not agreed to.

§82.25 RECORDED VOTE

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

Page 55, after line 15, insert the following new section:

SEC. 406. (a) LIMITATION ON USE OF FUNDS FOR CERTAIN SURFACE TRANSPORTATION PROJECTS.—None of the funds made available in this Act may be used to provide, or to pay the salaries or expenses of Department of Transportation personnel who provide, to a State more than \$50,000 in Federal assistance from the Highway Trust Fund (other than the Mass Transit Account) for any surface transportation project except when it is made known to the Federal official having authority to obligate or expend such funds that—

At least 30 days before entering a contract or agreement with a private business entity for the performance of work usually performed by employees of a State under which the State will obligate more than \$50,000, the

State has conducted and submitted a cost-benefit analysis of the project;

(2) the cost-benefit analysis includes a detailed description of—

- (A) the costs of labor;
(B) the costs of employer-provided fringe benefits;

(C) the costs of equipment or materials, whether supplied by the State or private contractor;

(D) the costs directly attributable to transferring the work being performed by State employees to a private business entity;

(E) the costs of administering and inspecting the contracted service; and

(F) the costs of any anticipated unemployment compensation or other benefits which are likely to be paid to State employees who are displaced as a result of the contracted services; (3) the cost-benefit analysis includes an analysis of whether it is more cost effective to use employees of a private business entity than to use State employees to perform the work required;

(4) the cost-benefit analysis is accompanied by an analysis of the State's finances and personnel and an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(5) in the case of a contract or agreement described in paragraph (1) that will result in a decrease in the amount of work assigned to State employees, the cost-benefit analysis demonstrates that—

(A) the contract or agreement will result in a substantial cost savings to the State; and

(B) the potential cost savings of contracting of services are not outweighed by the public's interest in having a particular function performed directly by the State;

(6) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a past performance history of the private business entity contract or agreement, which includes—

(A) work performed for the State under contracts and agreements described in paragraph (1) in the 5-year period ending on the 45th day before the date of entry into the contract or agreement;

(B) if no work was performed for the State under such contracts and agreements during such 5-year period, then any work performed for other States under contracts and agreements described in paragraph (1) in such 5-year period;

(C) with respect to each contract or agreement to which subparagraph (A) or (B) applies, the amount of funds originally committed by the State under the contract or agreement and the amount of funds actually expended by the State under the contract or agreement; and

(D) with respect to each contract or agreement to which subparagraph (A) or (B) applies, deadlines originally established for all work performed under the contract or agreement and the actual date or dates on which performance of such work was completed;

(7) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a copy of any performance bond or any similar instrument that ensures performance by the private business entity under the contract or agreement or certifies the amount of such bond;

(8) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a political contribution history of the private business entity with whom the State is entering into the contract or agreement, which political contribution history lists all political contributions the private business entity has made to political parties and candidates for

political office in the 5-year period ending on the 45th day before the date of entry into the contract or agreement; and

(9) not later than 5 days after submission of the cost-benefit analysis and other documents under this section, the public has been notified of the availability of the cost-benefit analysis and other documents for public inspection, and the analysis and other documents have been made available for inspection upon request.

(b) EXCEPTIONS.—The limitation established by subsection (a) shall not apply to any surface transportation project when it is made known to the Federal official having authority to obligate or expend the funds that—

(1) the project is a pilot project for a particular type of work that has not previously been performed by the State and is being undertaken to evaluate whether contracting for that particular type of work can result in savings to the State; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental employees because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees.

It was decided in the { Yeas 123 negative } Nays 280

82.26 [Roll No. 290] AYES—123

Table with 3 columns: Name, Roll No. 290, and AYES-123. Lists names like Abercrombie, Andrews, Baldacci, etc.

NOES—280

Table with 3 columns: Name, Roll No. 290, and NOES-280. Lists names like Allard, Archer, Armev, etc.

Table with 3 columns: Name, Roll No. 290, and AYES-123. Lists names like Castle, Chabot, Chambliss, etc.

NOT VOTING—30

Table with 3 columns: Name, Roll No. 290, and NOT VOTING-30. Lists names like Ackerman, Brewster, Bryant, etc.

So the amendment was not agreed to.

82.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. COLLINS of Georgia:

Page 55, after line 15, insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used by the National Transportation Safety Board to plan, conduct, or enter into any contract for a study to determine the feasibility of allowing individuals who are more than 60 years of age to pilot commercial aircraft.

It was decided in the { Yeas 247 affirmative } Nays 159

82.28 [Roll No. 291] AYES—247

Table with 3 columns: Name, Roll No. 291, and AYES-247. Lists names like Abercrombie, Andrews, Andrews, etc.