

struction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1762. An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1763. An Act to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes; and

S. 1764. An Act to authorize appropriations for fiscal year 1997 for military construction and for other purposes.

87.8 INSTITUTION OF MARRIAGE

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, pursuant to House Resolution 474 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3396) to define and protect the institution of marriage.

Mr. GILLMOR, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

87.9 RECORDED VOTE

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

Page 3, after line 20, insert:

(b) APPLICATION.—

(1) Subsection (a) shall not apply if the State in which the persons affected by such application of subsection (a) has determined that the definition of "marriage" or "spouse", or both, shall be different than that in subsection (a), provided such State determination is in the form of—

(A) legislation; or

(B) citizen initiative or referendum.

(2) In the case where such a determination is made by judicial decision interpreting a State constitution, subsection (a) shall cease to apply if the minimum time necessary in that State for an amendment to the State constitution elapses and the State's determination remains in effect.

(3) In the case where such a determination is made by judicial decision interpreting a State statute, subsection (a) shall cease to apply with the adjournment of the next session of the State legislature.

Page 3, line 21, strike "(b)" and insert "(c)".

It was decided in the { Yeas 103 negative } Nays 311

87.10 [Roll No. 314] AYES—103

Table with 3 columns: Name, Roll No. 314, and AYES count. Includes names like Abercrombie, Ackerman, Barrett (WI), Becerra, Beilenson, Berman, Blumenauer, Bonior, Brown (CA), Brown (FL), Brown (OH), Campbell, Clay, Clayton, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Coyne, DeFazio, Dellums, Dingell, Dixon, Engel, Eshoo, Farr, Fattah, Fazio, Filner, Frank (MA), Furse, Gejdenson, Gephardt, Gonzalez, Gunderson, Gutierrez, Harman, Hastings (FL), Hilliard, Hinchey, Horn, Jackson (IL), Jackson-Lee, Jefferson, Johnson, E. B., Kennedy (MA), Kennedy (RI), Kennelly, Lantos, Lewis (GA), Lofgren, Lowey, Maloney, Markey, Martinez, Matsui, McCarthy, McDermott, Cramer, Crane, Crapo, Cremean, Cubin, Cummings, Cunningham, Danner, Davis, de la Garza, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, Dicks, Kingston, Kleczka, Klink, Klug, Doolett, Doolittle, etc.

Table with 3 columns: Name, Roll No. 314, and AYES count. Includes names like McKinney, Meehan, Meek, Millender-McDonald, Miller (CA), Mink, Moakley, Moran, Nadler, Neal, Olver, Owens, Pallone, Payne (NJ), Pelosi, Rangel, Reed, Richardson-Rivers, Rose, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Skaggs, Slaughter, Stark, Stokes, Studds, Torres, Torricelli, Towns, Velazquez, Vento, Ward, Waters, Waxman, Woolsey, Yates, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Levin, Lewis (CA), Lewis (KY), Lightfoot, Linder, Lipinski, Livingston, LoBiondo, Lucas, Luther, Manton, Manzullo, Martini, Mascara, McCollum, McCrery, McHale, McHugh, McInnis, McIntosh, McKeon, McNulty, Menendez, Metcalf, Meyers, Mica, Miller (FL), Minge, Molinari, Mollohan, Montgomery, Moorhead, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Oberstar, Obey, Ortiz, Orton, Oxley, Packard, Parker, Pastor, Paxon, Payne (VA), Hostettler, Houghton, Hoyer, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kildee, Kim, King, Kingston, Kleczka, Klink, Klug, etc.

NOES—311

Table with 3 columns: Name, Roll No. 314, and NOES count. Includes names like Allard, Andrews, Archer, Arney, Bachus, Baesler, Baker (CA), Baker (LA), Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Bevill, Bilbray, Bilirakis, Bishop, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Boucher, Brewster, Browder, Brownback, Bryant (TN), Bryant (TX), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chapman, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Collins (GA), Combest, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremean, Cubin, Cummings, Cunningham, Danner, Davis, de la Garza, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, Dicks, Kingston, Kleczka, Klink, Klug, Dornan, Doyle, Dreier, Duncan, Durbin, Edwards, Ehlers, Ehrlich, English, Evans, Everett, Ewing, Fawell, Fields (TX), Flake, Foglietta, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Frost, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Green (TX), Greene (UT), Greenway, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Hefner, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Hostettler, Houghton, Hoyer, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kildee, Kim, King, Kingston, Kleczka, Klink, Klug, etc.

Table with 3 columns: Name, Roll No. 314, and AYES count. Includes names like Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Siskis, Skee, Skelton, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Spratt, Stearns, Stenholm, Stockman, Stump, Stupak, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Tejeda, Thomas, Thornberry, Thurman, Tiahrt, Torkildsen, Traficant, Upton, Visclosky, Volkmer, Vucanovich, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Williams, Wise, Wolf, Wynn, Young (AK), Zeliff, Zimmer, etc.

NOT VOTING—19

Table with 3 columns: Name, Roll No. 314, and NOT VOTING count. Includes names like Dunn, Ensign, Fields (LA), Flanagan, Ford, Gibbons, Hall (OH), Johnston, LaFalce, Lincoln, Longley, McDade, Morella, Roberts, Thompson, Thornton, Watt (NC), Wilson, Young (FL), etc.

So the amendment was not agreed to. The SPEAKER pro tempore, Ms. GREENE, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to House Resolution 474, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. JACKSON-LEE moved to recommend the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new sections to the legislation:

SEC. 4. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1996".

SEC. 5. DISCRIMINATION PROHIBITED.

A covered entity, in connection with employment or employment opportunities, shall not—

(1) subject an individual to different standards or treatment on the basis of sexual orientation,

(2) discriminate against an individual based on the sexual orientation of persons with whom such individual is believed to associate or to have associated, or

(3) otherwise discriminate against an individual on the basis of sexual orientation.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of his or her partner.

SEC. 7. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(A) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to religious organizations.