

mand 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 209 negative Nays 212

¶94.21 [Roll No. 364] AYES—209

- Abercrombie Gibbons Olver
Ackerman Gilman Ortiz
Andrews Gonzalez Orton
Baesler Gordon Owens
Baldacci Green (TX) Pallone
Barcia Gutierrez Pastor
Barrett (WI) Hall (OH) Payne (NJ)
Bass Hall (TX) Payne (VA)
Becerra Hamilton Pelosi
Beilenson Harman Peterson (MN)
Bentsen Hefner Pomeroy
Berman Hilliard Poshard
Bishop Hinchey Quinn
Blumenauer Holden Rahall
Blute Hoyer Rangel
Boehlert Jackson (IL) Reed
Bonior Jackson-Lee Richardson
Borski (TX) Riggs
Boucher Jacobs Rivers
Brewster Jefferson Roemer
Browder Johnson (SD) Rose
Brown (CA) Johnson, E. B. Roybal-Allard
Brown (FL) Johnston Rush
Brown (OH) Kanjorski Sabo
Bryant (TX) Kaptur Sanders
Cardin Kennedy (MA) Sanford
Castle Kennedy (RI) Sawyer
Chapman Kennelly Schroeder
Clay Kildee Schumer
Clayton Kleczka Scott
Clement Klink Serrano
Clyburn Klug Shays
Collins (MI) LaFalce Sisisky
Condit Lantos Skaggs
Conyers Leach Skelton
Costello Levin Slaughter
Coyne Lewis (GA) Spratt
Cramer Lipinski Stark
Cummings Lofgren Stenholm
Danner Stokes Lowey
de la Garza Luther Studds
DeFazio Maloney Stupak
DeLauro Manton Taylor (MS)
Dellums Markey Tejada
Deutsch Martinez Thompson
Dicks Mascara Thornton
Dingell Matsui Thurman
Dixon McCarthy Torkildsen
Doggett McDermott Torres
Dooley McHale Torricelli
Doyle McHugh Towns
Durbin McKinney Traficant
Edwards McNulty Upton
Engel Meehan Velazquez
Ensign Meek Vento
Eshoo Menendez Visclosky
Evans Millender- Volkmer
Farr McDonald Walsh
Fattah Miller (CA) Ward
Fazio Minge Waters
Fields (LA) Mink Watt (NC)
Filner Moakley Waxman
Flake Mollohan Williams
Foglietta Montgomery Wilson
Forbes Moran Wise
Frank (MA) Morella Woolsey
Frost Murtha Wynn
Furse Nadler Yates
Gejdenson Neal Zimmer
Gephardt Oberstar
Geren Obey

NOES—212

- Allard Bilirakis Camp
Archer Bliley Campbell
Army Boehner Canady
Bachus Bonilla Chabot
Baker (CA) Bono Chambliss
Baker (LA) Brownback Chenoweth
Ballenger Bryant (TN) Christensen
Barr Bunn Chryslers
Barrett (NE) Bunning Clinger
Bartlett Coble
Barton Burton Coburn
Bateman Buyer Collins (GA)
Bereuter Callahan Combest
Bilbray Calvert Cooley

- Cox Hoke Petri
Crane Horn Pickett
Crapo Hostettler Pombo
Creameans Houghton Porter
Cubin Hunter Portman
Cunningham Hutchinson Pryce
Davis Hyde Radanovich
Deal Inglis Ramstad
DeLay Istook Regula
Diaz-Balart Johnson (CT) Roberts
Dickey Johnson, Sam Rogers
Doolittle Jones Rohrabacher
Dornan Kasich Ros-Lehtinen
Dreier Kelly Roukema
Duncan Kim Royce
Dunn King Salmon
Ehlers Kingston Saxton
Ehrlich Kingston Scarborough
English Kolbe Schaefer
Everett LaHood Schiff
Ewing Largent Seastrand
Fawell Latham Sensenbrenner
Fields (TX) LaTourette Shadegg
Flanagan Laughlin Shaw
Foley Lazio Shuster
Fowler Lewis (CA) Skeen
Fox Lewis (KY) Smith (MI)
Franks (CT) Lightfoot Smith (NJ)
Franks (NJ) Linder Smith (TX)
Frelinghuysen Livingston Smith (WA)
Frisa LoBiondo Solomon
Funderburk Longley Souder
Ganske Lucas Spence
Gekas Manzullo Stearns
Gilchrest Martini Stockman
Gillmor McCrery Stump
Gingrich McInnis Talent
Goodlatte McIntosh Tate
Goodling McKeon Tauzin
Goss Metcalf Taylor (NC)
Graham Meyers Thomas
Greene (UT) Mica Thornberry
Greenwood Miller (FL) Tiahrt
Gunderson Molinari Vucanovich
Gutknecht Moorhead Walker
Hancock Myers Wamp
Hansen Myrick Watto (OK)
Hastert Nethercutt Weldon (FL)
Hastings (WA) Neumann Weldon (PA)
Hayworth Ney Weller
Hefley Norwood White
Heineman Nussle Whitfield
Herger Oxley Wicker
Hilleary Packard Wolf
Hobson Parker Young (AK)
Hoekstra Paxon Zeliff

NOT VOTING—13

- Bevill Hayes Roth
Coleman Lincoln Tanner
Collins (IL) McDade Young (FL)
Ford Peterson (FL)
Hastings (FL) Quillen

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. DREIER, announced that the nays had it.

Mr. THOMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 162 negative Nays 259

¶94.22 [Roll No. 365] YEAS—162

- Allard Bass Buyer
Archer Bateman Callahan
Army Bereuter Calvert
Bachus Bilirakis Camp
Bliley Bliley Campbell
Baker (CA) Boehner Canady
Ballenger Bono Chabot
Barr Bryant (TN) Chambliss
Barrett (NE) Bunn Chenoweth
Bartlett Bunning Christensen
Barton Burr Chryslers

- Clinger Heger Parker
Coble Hilleary Paxon
Coburn Hobson Petri
Collins (GA) Hoekstra Pombo
Cox Hoke Porter
Crane Hostettler Portman
Crapo Hunter Pryce
Creameans Hutchinson Ramstad
Cubin Hyde Regula
Cunningham Istook Riggs
Deal Johnson (CT) Rogers
DeLay Jones Rohrabacher
Dickey Kasich Royce
Dreier Kelly Salmon
Duncan Kim Scarborough
Dunn Kingston Schaefer
Ehlers Knollenberg Schiff
Ehrlich Kolbe Seastrand
Everett LaHood Sensenbrenner
Ewing Largent Shadegg
Fawell Latham Shaw
Fields (TX) LaTourette Shuster
Flanagan Laughlin Skeen
Fox Lazio Smith (MI)
Franks (CT) Lightfoot Smith (TX)
Funderburk Linder Spence
Gallegly Livingston Stearns
Ganske Lucas Stockman
Gekas Manzullo Stump
Gilchrest McCollum Talent
Gillmor McCrery Tauzin
Gingrich McIntosh Taylor (NC)
Goodlatte McKeon Thomas
Goss Meyers Thornberry
Greene (UT) Mica Tiahrt
Greenwood Miller (FL) Vucanovich
Gunderson Molinari Walker
Gutknecht Moorhead Wamp
Hastert Myrick Watto (OK)
Hastings (WA) Neumann Weldon (FL)
Hayworth Ney Weller
Hefley Norwood White
Heineman Nussle Whitfield
Hobson Oxley Wicker
Hoekstra Packard Wolf
Hull Young (AK)
Hunt Zeliff

NAYS—259

- Abercrombie Doggett Jackson-Lee
Ackerman Dooley (TX)
Andrews Doolittle Jacobs
Baesler Dornan Jefferson
Baldacci Doyle Johnson (SD)
Barcia Durbin Johnson, E. B.
Barrett (WI) Edwards Johnson, Sam
Becerra Engel Johnston
Beilenson English Kanjorski
Bentsen Ensign Kaptur
Berman Eshoo Kennedy (MA)
Bilbray Evans Kennedy (RI)
Bishop Farr Kennelly
Blumenauer Fattah Kildee
Blute Fazio King
Boehlert Fields (LA) Kleczka
Bonilla Filner Klink
Bonior Flake Klug
Borski Foglietta LaFalce
Boucher Lantos Levin
Brewster Foley Lewis (CA)
Browder Frank (MA) Lewis (GA)
Brown (CA) Franks (NJ) Lewis (KY)
Brown (FL) Frelinghuysen Lipinski
Brown (OH) Frisla LoBiondo
Brownback Frost Lofgren
Bryant (TX) Furse Longley
Burton Gejdenson Lowey
Cardin Gephardt Luther
Castle Geren Maloney
Chapman Gibbons Manton
Clay Gilman Markey
Clayton Gilman Martinez
Clyburn Gonzalez Moakley
Collins (MI) Goodling Martini
Combest Gordon Mascara
Condit Graham Matsui
Conyers Green (TX) McCarthy
Cooley Gutierrez McDermott
Costello Hall (OH) McHale
Coyne Hall (TX) McHugh
Cramer Hamilton McInnis
Cummings Hancock McKinney
Danner Hansen McNulty
Davis Harman Meehan
de la Garza Hefner Meek
DeFazio Hilliard Menendez
DeLauro Hinchey Metcalf
Dellums Holden Millender-
Deutsch Horn McDonald
Dixson Houghton Miller (CA)
Dicks Hoyer Minge
Dingell Inglis Mink
Dixon Jackson (IL) Moakley

Mollohan	Roberts	Tejeda
Montgomery	Roemer	Thompson
Moran	Ros-Lehtinen	Thornton
Morella	Rose	Thurman
Murtha	Roukema	Tiahrt
Myers	Roybal-Allard	Torkildsen
Nadler	Rush	Torres
Neal	Sabo	Torrice
Nethercutt	Sanders	Towns
Neumann	Sanford	Traficant
Oberstar	Sawyer	Velazquez
Obey	Saxton	Vento
Olver	Schroeder	Visclosky
Ortiz	Schumer	Volkmer
Orton	Scott	Walsh
Owens	Serrano	Ward
Packard	Shays	Waters
Pallone	Sisisky	Watt (NC)
Pastor	Skaggs	Watts (OK)
Payne (NJ)	Skelton	Waxman
Payne (VA)	Slaughter	White
Pelosi	Smith (NJ)	Whitfield
Peterson (MN)	Smith (WA)	Williams
Pickett	Solomon	Wilson
Pomeroy	Souder	Wise
Poshard	Spratt	Wolf
Quinn	Stark	Woolsey
Radanovich	Stenholm	Wynn
Rahall	Stokes	Yates
Rangel	Studds	Young (AK)
Reed	Stupak	Zimmer
Richardson	Tate	
Rivers	Taylor (MS)	

NOT VOTING—13

Bevill	Hayes	Roth
Coleman	Lincoln	Tanner
Collins (IL)	McDade	Young (FL)
Ford	Peterson (FL)	
Hastings (FL)	Quillen	

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

¶94.23 PROVIDING FOR THE CONSIDERATION OF H.R. 2823

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 104-708) the resolution (H. Res. 489) providing for consideration of the bill (H.R. 2823) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶94.24 LABOR SAFETY STANDARDS FOR MINORS

On motion of Mr. BALLENGER, by unanimous consent, the bill (H.R. 1114) to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. AUTHORITY FOR 16- AND 17-YEAR-OLDS TO LOAD MATERIALS INTO SCRAP PAPER BALERS AND PAPER BOX COMPACTORS.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding to the end thereof the following new paragraph:

"(5)(A) In the administration and enforcement of the child labor provisions of this Act, employees who are 16 and 17 years of age shall be permitted to load materials

into, but not operate or unload materials from, scrap paper balers and paper box compactors—

"(i) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors; and

"(ii) that cannot be operated while being loaded.

"(B) For purposes of subparagraph (A), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

"(i)(I) the scrap paper balers and paper box compactors meet the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers and Standard ANSI Z245.2-1992 for paper box compactors; or

"(II) the scrap paper balers and paper box compactors meet an applicable standard that is adopted by the American National Standards Institute after the date of enactment of this paragraph and that is certified by the Secretary to be at least as protective of the safety of minors as the standard described in subclause (I);

"(ii) the scrap paper balers and paper box compactors include an on-off switch incorporating a key-lock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;

"(iii) the on-off switch of the scrap paper balers and paper box compactors is maintained in an off position when the scrap paper balers and paper box compactors are not in operation; and

"(iv) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on the scrap paper balers and paper box compactors stating that—

"(I) the scrap paper balers and paper box compactors meet the applicable standard described in clause (i);

"(II) 16- and 17-year-old employees may only load the scrap paper balers and paper box compactors; and

"(III) any employee under the age of 18 may not operate or unload the scrap paper balers and paper box compactors.

The Secretary shall publish in the Federal Register a standard that is adopted by the American National Standards Institute for scrap paper balers or paper box compactors and certified by the Secretary to be protective of the safety of minors under clause (i)(I).

"(C)(i) Employers shall prepare and submit to the Secretary reports—

"(I) on any injury to an employee under the age of 18 that requires medical treatment (other than first aid) resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor; and

"(II) on any fatality of an employee under the age of 18 resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading operation, or unloading of the baler or compactor.

"(ii) The reports described in clause (i) shall be used by the Secretary to determine whether or not the implementation of subparagraph (A) has had any effect on the safety of children.

"(iii) The reports described in clause (i) shall provide—

"(I) the name, telephone number, and address of the employer and the address of the place of employment where the incident occurred;

"(II) the name, telephone number, and address of the employee who suffered an injury or death as a result of the incident;

"(III) the date of the incident;

"(IV) a description of the injury and a narrative describing how the incident occurred; and

"(V) the name of the manufacturer and the model number of the scrap paper baler or paper box compactor involved in the incident.

"(iv) The reports described in clause (i) shall be submitted to the Secretary promptly, but not later than 10 days after the date on which an incident relating to an injury or death occurred.

"(v) The Secretary may not rely solely on the reports described in clause (i) as the basis for making a determination that any of the employers described in clause (i) has violated a provision of section 12 relating to oppressive child labor or a regulation or order issued pursuant to section 12. The Secretary shall, prior to making such a determination, conduct an investigation and inspection in accordance with section 12(b).

"(vi) The reporting requirements of this subparagraph shall expire 2 years after the date of enactment of this subparagraph."

SEC. 2. CIVIL MONEY PENALTY.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking "section 12," and inserting "section 12 or section 13(c)(5)."; and

(2) by striking "that section" and inserting "section 12 or section 13(c)(5)".

SEC. 3. CONSTRUCTION.

Section 1 shall not be construed as affecting the exemption for apprentices and student learners published in section 570.63 of title 29, Code of Federal Regulations.

On motion of Mr. BALLENGER, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.25 WORDS TAKEN DOWN

Mr. KANJORSKI during one minute speeches addressed the House and, during the course of his remarks,

Mr. SOLOMON demanded that certain words be taken down.

The Clerk read the words taken down as follows:

I was aware of what you were going to say today. You know full well the reason you came down here on the floor and said what you said is that you didn't have the nerve to go up in the Press Galley and make those charges because you would be subject to a lawsuit.

The SPEAKER pro tempore, Mr. HOBSON, held the words taken down to be unparliamentary, and said:

"In the opinion of the Chair, the remarks question the integrity of the gentleman from Pennsylvania [Mr. CLINGER] and constitute a personality in debate."

By unanimous consent, the unparliamentary words were stricken from the Record.

On motion of Mr. ARMEY, Mr. KANJORSKI was allowed to proceed in order.

¶94.26 ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1627. An Act to amend the Federal Insecticide, Fungicide, and Rodenticide Act