

arms, or possessing a firearm during commission of a crime, are common sense solutions to deter gun violence.

It was decided in the affirmative { Yeas 293 Nays 134

65.18 [Roll No. 216] AYES—293

- Aderholt, Archer, Arney, Bachus, Baker, Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Berkeley, Berry, Biggert, Bilbray, Bilirakis, Bishop, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boswell, Boucher, Boyd, Brady (TX), Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Clement, Coble, Coburn, Collins, Combust, Condit, Cook, Costello, Cox, Cramer, Crane, Cubin, Cunningham, Danner, Davis (FL), Davis (VA), Deal, DeFazio, DeLay, DeMint, Deutsch, Diaz-Balart, Dickey, Doolittle, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Etheridge, Everett, Ewing, Fletcher, Foley, Forbes, Ford, Fossella, Fowler, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Green (TX), Green (WI), Greenwood, Gutierrez, Gutknecht, Hall (OH), Hall (TX), Hansen, Hastings (WA), Hayes, Hayworth, Hefley, Herger, Hill (IN), Hill (MT), Hilleary, Hobson, Hoefel, Hoekstra, Holden, Hooley, Horn, Hostettler, Hulshof, Hunter, Hutchinson, Hyde, Isakson, Istook, Jenkins, John, Johnson (CT), Johnson, Sam, Jones (NC), Kaptur, Kasich, Kelly, King (NY), Kingston, Kingdon, Knollenberg, Kolbe, Kucinich, Kuykendall, LaHood, Lampson, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lowey, Lucas (KY), Lucas (OK), Maloney (CT), Manzullo, Mascara, McCarthy (NY), McCollum, McCreery, McHugh, McInnis, McIntosh, McIntyre, McKeon, McNulty, Metcalf, Mica, Miller (FL), Miller, Gary, Mollohan, Moore, Moran (KS), Moran (VA), Morella, Murtha, Myrick, Nethercutt, Ney, Northup, Norwood, Nussle, Obey, Ortiz, Ose, Oxley, Packard, Pascarell, Pease, Peterson (MN), Peterson (PA), Petri, Phelps, Pickering, Pickett, Pitts, Pombo, Pomeroy, Porter, Portman, Price (NC), Pryce (OH), Quinn, Radanovich, Rahall, Ramstad, Regula, Reyes, Reynolds, Riley, Roemer, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryan (WI), Ryan (KS), Salmon, Sanchez, Sandlin, Sanford, Saxton, Scarborough, Schaffer, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shows, Shuster, Simpson, Sisisky, Skeen, Skelton, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Snyder, Souder, Spence, Spratt, Stabenow, Stearns, Stenholm, Stump, Sununu, Sweeney, Talent, Tancredo, Tanner, Tauzin, Taylor (MS), Taylor (NC), Terry, Thornberry, Thune, Thurman, Tiahrt

- Toomey, Traficant, Turner, Udall (NM), Upton, Viscolosky, Vitter, Walden, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Weller, Weigand, Walsh, Wick, Wilson, Wise, Wolf, Young (AK), Young (FL)

Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

“Sec. 521. Federal cause of action for drug dealer liability.”

It was decided in the affirmative { Yeas 424 Nays 3

65.20 [Roll No. 217] AYES—424

- Gonzalez, Gordon, Hastings (FL), Hilliard, Hinchey, Hinojosa, Holt, Hoyer, Inslee, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kennedy, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, LaFalce, Lantos, Larson, Lee, Levin, Lewis (GA), Lofgren, Luther, Maloney (NY), Markey, Matsui, McCarthy (MO), McDermott, McGovern, McKinney, Meehan, Meek (FL), Meeks (NY), Menendez, Millender-McDonald, Miller, George, Minge, Mink, Moakley, Nadler, Napolitano, Neal, Oberstar, Olver, Owens, Pallone, Pastor, Paul, Payne, Pelosi, Rangel, Rivers, Rodriguez, Rothman, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schakowsky, Scott, Serrano, Sherman, Slaughter, Stark, Strickland, Stupak, Tauscher, Thompson (CA), Thompson (MS), Towns, Udall (CO), Velazquez, Vento, Waters, Watt (NC), Waxman, Wexler, Woolsey, Wu, Wynn, NOES—134

- Abercrombie, Ackerman, Allen, Andrews, Baird, Baldwin, Barrett (WI), Becerra, Bentsen, Berman, Blagojevich, Blumenauer, Bonior, Borski, Brady (PA), Brown (FL), Brown (OH), Capps, Capuano, Cardin, Carson, Clay, Clayton, Clyburn, Conyers, Cooksey, Coyne, Crowley, Cummings, Davis (IL), DeGette, Delahunt, DeLauro, Dingell, Dixon, Doggett, Dooley, Doolittle, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Emerson, Engel, English, Eshoo, Etheridge, Evans, Everrett, Ewing, Farr, Fattah, Filner, Fletcher, Foley, Forbes, Ford, Fossella, Fowler, Frank (MA), Franks (NJ), Frelinghuysen, Frost, Gallegly, Ganske, Gejdenson, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Goode, Goodlatte, Goodling, Gordon, Goss, Graham, Granger, Green (TX), Green (WI), Greenwood, Gutierrez, Gutknecht, Hall (OH), Hall (TX), Hansen, Hastings (FL), Hastings (WA), Hayes, Hayworth, Herger, Hill (IN), Hill (MT), Hilleary, Hilliard, Hinojosa, Hobson, Hoefel, Hoekstra, Holden, Holt, Hooley, Horn, Hostettler, Hoyer, Hulshof, Hunter, Hutchinson, Hyde, Inslee, Isakson, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, John, Johnson (CT), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Kasich, Kelly, Kennedy, Kildee, Kilpatrick, Kind (WI), King (NY), Kingston, Kleczka, Klink, Knollenberg, Kolbe, Kucinich, Kuykendall, LaFalce, LaHood, Lampson, Lantos, Largent, Larson, Latham, LaTourette, Lazio, Leach, Lee, Levin, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Lowey, Lucas (KY), Lucas (OK), Luther, Maloney (CT), Maloney (NY), Manzullo, Markey, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McCreery, McDermott, McGovern, McHugh, McInnis, McIntosh, McIntyre, McKeon, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Metcalf, Mica, Millender-McDonald, Miller (FL), Miller, Gary, Miller, George

NOT VOTING—7

- Brown (CA), Dicks, Gephardt, Houghton, Martinez, Thomas, Weiner

So the amendment was agreed to.

65.19 RECORDED VOTE

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

Add at the end the following new title:

TITLE —DRUG DEALER LIABILITY

SEC. . FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

“SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

“(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

“(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual’s sources of illegal controlled substances.”

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse

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Mink Rodriguez
Moakley Roemer
Mollohan Rogan
Moore Rogers
Moran (KS) Rohrabacher
Moran (VA) Ros-Lehtinen
Morella Rothman
Murtha Roukema
Myrick Roybal-Allard
Nadler Royce
Napolitano Rush
Neal Ryan (WI)
Nethercutt Ryan (KS)
Ney Sabo
Northup Salmon
Norwood Sanchez
Nussle Sanders
Oberstar Sandlin
Obey Sanford
Oliver Sawyer
Ortiz Saxton
Ose Scarborough
Owens Schaffer
Oxley Schakowsky
Packard Scott
Pallone Sensenbrenner
Pascrell Serrano
Pastor Sessions
Payne Shadegg
Pease Shaw
Pelosi Shays
Peterson (MN) Sherman
Peterson (PA) Sherwood
Petri Shimkus
Phelps Shows
Pickering Shuster
Pickett Simpson
Pitts Sisisky
Pombo Skeen
Pomeroy Skelton
Porter Slaughter
Portman Smith (MI)
Price (NC) Smith (NJ)
Pryce (OH) Smith (TX)
Quinn Smith (WA)
Radanovich Snyder
Rahall Souder
Ramstad Spence
Rangel Spratt
Regula Stabenow
Reyes Stark
Reynolds Stearns
Riley Stenholm

NOES—3

Ehrlich Gonzalez Paul
Brown (CA) Houghton Weiner
Dicks Martinez
Gephardt Thomas

NOT VOTING—7

So the amendment was agreed to.

¶65.21 RECORDED VOTE

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

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by striking “Gun-Free Schools Act of 1994” and inserting “Safe Schools Act of 1999”.

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after “determined” the following: “to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or”.

(3) DEFINITIONS.—Section 14601(b)(4) is amended to read as follows: “For purposes of this part—

“(A) the term “1 weapon” means a firearm as such term is defined in section 921 of title 18, United States Code;

“(B) the term ‘illegal drug’ means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

“(C) the term ‘illegal drug paraphernalia’ means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting ‘or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)’, before the period; and

“(D) the term ‘felonious quantities of an illegal drug’ means any quantity of an illegal drug—

“(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

“(ii) that is possessed with an intent to distribute.”.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting “illegal drugs or” before “weapons”.

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by—

(1) striking “served by” and inserting “under the jurisdiction of”; and

(2) by inserting after “who” the following: “is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who”.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended—

(1) in paragraph (1), by inserting “current” before “policy”;

(2) in paragraph (2)—

(A) by inserting before “engaging” the following “possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or”; and

(B) by striking “; and” and inserting a period; and

(3) by striking paragraph (3).

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

It was decided in the { Yeas 184 negative 243

¶65.22

[Roll No. 218]

AYES—184

Aderholt Barton
Andrews Bass
Armey Bereuter
Bachus Bilbray
Baker Bilirakis
Ballenger Bishop
Barcia Bliley
Barr Boehner
Barrett (NE) Bono
Bartlett Boswell

Brady (TX)
Bryant
Burr
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Buyer
Callahan
Calvert
Canady
Cannon
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Chenoweth
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