

Owens Sanchez, Loretta Taylor (MS)  
 Pallone Sanders Thompson (CA)  
 Pascrell Sandlin Thompson (MS)  
 Pastor Schakowsky Tierney  
 Payne Schiff Towns  
 Pelosi Scott (GA) Turner (TX)  
 Peterson (MN) Scott (VA) Udall (CO)  
 Pomeroy Serrano Udall (NM)  
 Price (NC) Sherman Van Hollen  
 Rahall Skelton Velázquez  
 Rangel Slaughter Visclosky  
 Rodriguez Smith (WA)  
 Ross Snyder Waters  
 Rothman Solis Watson  
 Roybal-Allard Spratt Watt  
 Ruppberger Stark Waxman  
 Rush Stenholm Weiner  
 Ryan (OH) Strickland Wexler  
 Sabo Stupak Woolsey  
 Sánchez, Linda Tanner Wu  
 T. Tauscher Wynn

Castle Hyde  
 Chabot Issakson  
 Choccola Issa  
 Coble Istook  
 Cole Jenkins  
 Collins Johnson (CT)  
 Cox Johnson (IL)  
 Crane Johnson, Sam  
 Crenshaw Jones (NC)  
 Cubin Keller  
 Culberson Kelly  
 Cunningham Kennedy (MN)  
 Davis, Jo Ann King (IA)  
 Davis, Tom King (NY)  
 Deal (GA) Kingston  
 DeLay Kirk  
 Diaz-Balart, L. Kline  
 Diaz-Balart, M. Knollenberg  
 Doolittle Kolbe  
 Dreier LaHood  
 Duncan Latham  
 Ehlert LaTourrette  
 English Leach  
 Everett Lewis (CA)  
 Feeney Lewis (KY)  
 Ferguson Linder  
 Flake LoBiondo  
 Foley Lucas (OK)  
 Forbes Manullo  
 Fossella McCotter  
 Franks (AZ) McCrery  
 Frelinghuysen McHugh  
 Garrett (NJ) McInnis  
 Gerlach McKeon  
 Gibbons Mica  
 Gilchrest Miller (FL)  
 Gillmor Miller (MI)  
 Gingrey Moran (KS)  
 Goode Murphy  
 Goodlatte Musgrave  
 Goss Myrick  
 Granger Nethercutt  
 Graves Neugebauer  
 Green (WI) Ney  
 Greenwood Northup  
 Gutknecht Norwood  
 Hall Nunes  
 Harris Nussle  
 Hart Osborne  
 Hastings (WA) Ose  
 Hayes Otter  
 Hayworth Oxley  
 Hefley Paul  
 Hensarling Pearce  
 Herger Pence  
 Hobson Peterson (PA)  
 Hoekstra Petri  
 Hostettler Pickering  
 Houghton Pitts  
 Hulshof Platts  
 Hunter Pombo

Porter Lewis (GA)  
 Portman Lipinski  
 Pryce (OH) Lofgren  
 Putnam Lowey  
 Quinn Lucas (KY)  
 Radanovich Lynch  
 Ramstad Majette  
 Regula Maloney  
 Rehberg Markey  
 Renzi Marshall  
 Reynolds Matheson  
 Rogers (AL) Matsui  
 Rogers (KY) McCarthy (MO)  
 Rogers (MI) McCarthy (NY)  
 Rohrabacher McCollum  
 Ros-Lehtinen McDermott  
 Royce McGovern  
 Ryan (WI) McIntyre  
 Ryun (KS) Meehan  
 Saxton Meek (FL)  
 Schrock Meeke (NY)  
 Sensenbrenner Menendez  
 Sessions Michaud  
 Shadegg Millender-  
 Shaw McDonald  
 Shays Miller (NC)  
 Sherwood Miller, George  
 Shimkus Mollohan  
 Shuster Moore  
 Simmons Moran (VA)  
 Simpson Murtha  
 Smith (MI) Nadler  
 Smith (NJ) Smith (TX)  
 Smith (TX) Souder  
 Souder Stearns  
 Stearns Sullivan  
 Sullivan Sweeney  
 Sweeney Tancredo  
 Taylor (NC) Terry  
 Terry Thomas  
 Thomas Thornberry  
 Thornberry Tiberi  
 Tiberi Toomey  
 Toomey Turner (OH)  
 Turner (OH) Upton  
 Upton Vitter  
 Vitter Walden (OR)  
 Walsh  
 Walsh Wamp  
 Weldon (FL) Weldon (PA)  
 Weldon (PA) Weller  
 Weller Whitfield  
 Whitfield Wicker  
 Wicker Wilson (NM)  
 Wilson (NM) Wilson (SC)  
 Wilson (SC) Wolf  
 Wolf Young (AK)  
 Young (AK) Young (FL)

Oberstar Skelton  
 Obey Slaughter  
 Olver Smith (WA)  
 Ortiz Snyder  
 Owens Solis  
 Pallone Spratt  
 Pascrell Stark  
 Pastor Stenholm  
 Payne Stiglich  
 Pelosi Strickland  
 Peterson (MN) Stupak  
 Pomeroy Tanner  
 Price (NC) Tauscher  
 Rahall Taylor (MS)  
 Rangel Thompson (CA)  
 Rodriguez Thompson (MS)  
 Ross Tierney  
 Rothman Towns  
 Roybal-Allard Turner (TX)  
 Ruppberger Udall (CO)  
 Rush Udall (NM)  
 Ryan (OH) Van Hollen  
 Sabo Velázquez  
 Sánchez, Linda Visclosky  
 T. Waters  
 Sanchez, Loretta Watson  
 Sanders Watt  
 Sandlin Waxman  
 Schakowsky Weiner  
 Schiff Wexler  
 Scott (GA) Woolsey  
 Scott (VA) Wu  
 Serrano Wynn  
 Sherman

NOT VOTING—9

Burton (IN) DeMint McNulty  
 Davis (FL) Gallegly Reyes  
 DeFazio John Tauzin

□ 1230

Messrs. WYNN, JENKINS, DOGGETT and RUSH changed their vote from “yea” to “nay.”

Mr. SOUDER changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 638 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 9, as follows:

[Roll No. 157]

YEAS—222

Aderholt Bishop (UT) Brown-Waite,  
 Akin Blackburn Ginny  
 Bachus Blunt Burgess  
 Baker Boehlert Burns  
 Ballenger Boehner Burr  
 Barrett (SC) Bonilla Burton (IN)  
 Bartlett (MD) Bonner Buyer  
 Barton (TX) Bono Calvert  
 Bass Boozman Camp  
 Beauprez Bradley (NH) Cannon  
 Bereuter Brady (TX) Cantor  
 Biggert Brady (TX) Capito  
 Bilirakis Brown (SC) Carter

Abercrombie Cramer  
 Ackerman Crowley  
 Alexander Cummings  
 Allen Davis (AL)  
 Andrews Davis (CA)  
 Baca Davis (IL)  
 Baird Davis (TN)  
 Baldwin DeFazio  
 Ballance DeGette  
 Becerra Delahunt  
 Bell DeLauro  
 Berkley Deutsch  
 Berman Dicks  
 Berry Dingell  
 Bishop (GA) Doggett  
 Bishop (NY) Dooley (CA)  
 Blumenauer Doyle  
 Boswell Edwards  
 Boucher Emanuel  
 Boyd Engel  
 Brady (PA) Eshoo  
 Brown (OH) Etheridge  
 Brown, Corrine Evans  
 Capps Farr  
 Capuano Fattah  
 Burns Filner  
 Cardoza Ford  
 Carson (IN) Frank (MA)  
 Carson (OK) Frost  
 Case Gephardt  
 Chandler Gonzalez  
 Clay Gordon  
 Clyburn Green (TX)  
 Conyers Grijalva  
 Costello Gutierrez

NAYS—202

Harman  
 Hastings (FL)  
 Hill  
 Hinchey  
 Hinojosa  
 Hoeffel  
 Holden  
 Holt  
 Honda  
 Hooley (OR)  
 Hoyer  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 John  
 Johnson, E. B.  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind  
 Kleczka  
 Kucinich  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Lee  
 Levin

NOT VOTING—9

Cooper Emerson Reyes  
 Davis (FL) Gallegly Tauzin  
 DeMint McNulty Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

□ 1238

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the “ayes” appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 203, not voting 6, as follows:

[Roll No. 158]

AYES—224

Aderholt Burgess Diaz-Balart, L.  
 Akin Burns Diaz-Balart, M.  
 Bachus Burr Doolittle  
 Baker Burton (IN) Dreier  
 Ballenger Buyer Duncan  
 Barrett (SC) Calvert Ehlers  
 Bartlett (MD) Camp Emerson  
 Barton (TX) Cannon English  
 Bass Cantor Everett  
 Beauprez Capito Feeney  
 Bereuter Carter Ferguson  
 Biggert Castle Flake  
 Bilirakis Chabot Foley  
 Bishop (UT) Choccola Forbes  
 Blackburn Coble Fossella  
 Blunt Cole Franks (AZ)  
 Boehlert Collins Frelinghuysen  
 Boehner Cox Gallegly  
 Bonilla Crane Garrett (NJ)  
 Bonner Crenshaw Gerlach  
 Bono Cubin Gibbons  
 Boozman Culberson Gilchrest  
 Bradley (NH) Cunningham Gillmor  
 Brady (TX) Davis, Jo Ann Gingrey  
 Brown (SC) Davis, Tom Goode  
 Brown-Waite, Deal (GA) Goodlatte  
 Ginny DeLay Goss

Granger  
Graves  
Green (WI)  
Greenwood  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo

## NOES—203

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Chandler  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch

McCotter  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schroek  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta

## NOT VOTING—6

DeMint  
Dunn  
Gutknecht  
McNulty  
Reyes  
Tauszin

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1245

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GEORGE MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

□ 1245

## MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the motion to instruct be laid on the table.

## PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) will state it.

Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Mr. GEORGE MILLER of California. Mr. Speaker, if a motion to table this motion on overtime pay prevails, will it have the effect of prohibiting the House Members from even discussing the administration's overtime pay rules at this time?

The SPEAKER pro tempore. The motion will not be before the House if the motion is tabled.

Mr. GEORGE MILLER of California. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Speaker, so to be clear, that means that the body will not be debating overtime pay today; is that the impact of the motion to table, to deny us a vote on the overtime pay?

The SPEAKER pro tempore. If the motion to table were adopted, the motion of the gentleman from California (Mr. GEORGE MILLER) would not be before the House.

The question is on the motion offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the motion to instruct, if the motion to table is adopted, will be followed by a 5-minute vote on suspending the rules and adopting H. Res. 608.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 159]

## AYES—222

Aderholt	Carter	Gibbons
Akin	Castle	Gilchrest
Bachus	Chabot	Gillmor
Baker	Chocola	Gingrey
Ballenger	Coble	Goode
Barrett (SC)	Cole	Goodlatte
Bartlett (MD)	Collins	Goss
Barton (TX)	Cox	Granger
Bass	Crane	Graves
Beauprez	Crenshaw	Green (WI)
Bereuter	Cubin	Greenwood
Biggert	Culberson	Gutknecht
Bilirakis	Cunningham	Hall
Bishop (UT)	Davis, Jo Ann	Harris
Blackburn	Davis, Tom	Hart
Blunt	Deal (GA)	Hastings (WA)
Boehlert	DeLay	Hayes
Boehner	Diaz-Balart, L.	Hayworth
Bonilla	Diaz-Balart, M.	Hefley
Bonner	Doolittle	Hensarling
Bono	Dreier	Herger
Boozman	Duncan	Hobson
Bradley (NH)	Dunn	Hoekstra
Brady (TX)	Ehlers	Hostettler
Brown (SC)	Emerson	Houghton
Brown-Waite,	Everett	Hulshof
Ginny	Feeney	Hunter
Burgess	Ferguson	Hyde
Burns	Flake	Isakson
Burr	Foley	Issa
Burton (IN)	Forbes	Istook
Buyer	Fossella	Jenkins
Calvert	Franks (AZ)	Johnson (CT)
Camp	Frelinghuysen	Johnson, Sam
Cannon	Gallegly	Jones (NC)
Cantor	Garrett (NJ)	Keller
Capito	Gerlach	Kelly