

NAYS—16

Conyers	Kucinich	Schakowsky
Frank (MA)	Lee	Stark
Hastings (FL)	Lofgren	Waters
Hinchey	Markey	Woolsey
Honda	McDermott	
Jackson (IL)	Paul	

NOT VOTING—12

Ballenger	Mollohan	Tauzin
Cannon	Nethercutt	Toomey
Goss	Ryan (OH)	Wexler
Greenwood	Schrock	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1208

Mr. MARKEY and Mr. CONYERS changed their vote from “yea” to “nay.”

Messrs. JEFFERSON, NEAL of Massachusetts, GEORGE MILLER of California, and MORAN of Virginia, and Ms. CORRINE BROWN of Florida changed their vote from “nay” to “yea.”

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.

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The Chair would ask the House to stand in tribute to the victims of the September 11, 2001, terrorist attacks that rocked this Nation. We would like to observe a moment of silence in their memory.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. HILL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 216, not voting 14, as follows:

[Roll No. 432]

YEAS—203

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

Edwards	Larson (CT)	Reyes	Musgrave	Ramstad	Stearns
Emanuel	Lee	Rodriguez	Myrick	Regula	Sullivan
Engel	Levin	Ross	Neugebauer	Rehberg	Sweeney
Eshoo	Lewis (GA)	Rothman	Ney	Renzi	Tancredi
Etheridge	Lipinski	Roybal-Allard	Northup	Reynolds	Taylor (NC)
Evans	Lofgren	Ruppersberger	Norwood	Rogers (AL)	Terry
Farr	Lowey	Rush	Nunes	Rogers (KY)	Thomas
Fattah	Lucas (KY)	Sabo	Nussle	Rogers (MI)	Thornberry
Filner	Lynch	Sanchez, Linda	Osborne	Rohrabacher	Tiahrt
Ford	Maloney	T.	Ose	Ros-Lehtinen	Tiberi
Frank (MA)	Markey	Sanchez, Loretta	Otter	Royce	Turner (OH)
Frost	Marshall	Sanders	Oxley	Ryan (WI)	Upton
Gephardt	Matheson	Sandlin	Paul	Ryun (KS)	Vitter
Gonzalez	Matsui	Schakowsky	Pearce	Saxton	Walden (OR)
Gordon	McCarthy (MO)	Schiff	Pence	Sensenbrenner	Walsh
Green (TX)	McCarthy (NY)	Scott (GA)	Peterson (PA)	Sessions	Wamp
Grijalva	McCollum	Scott (VA)	Petri	Shadegg	Weldon (FL)
Gutierrez	McDermott	Serrano	Pickering	Shaw	Weldon (PA)
Harman	McGovern	Shays	Pitts	Sherwood	Weller
Hastings (FL)	McIntyre	Sherman	Platts	Shimkus	Whitfield
Herseeth	McNulty	Skelton	Pombo	Shuster	Wick
Hill	Meehan	Smith (WA)	Porter	Simmons	Wilson (NM)
Hinchey	Meek (FL)	Snyder	Portman	Simpson	Wilson (SC)
Hinojosa	Meeks (NY)	Solis	Pryce (OH)	Smith (MI)	Wolf
Hoeffel	Menendez	Spratt	Putnam	Smith (NJ)	Young (FL)
Holden	Michaud	Stark	Quinn	Smith (TX)	
Holt	Millender-McDonald	Stenholm	Radanovich	Souder	
Honda	Miller (NC)	Strickland			
Hooley (OR)	Miller, George	Stupak			
Hoyer	Moore	Tanner			
Inslee	Moran (VA)	Tauscher			
Israel	Murtha	Taylor (MS)			
Jackson (IL)	Nadler	Thompson (CA)			
Jackson-Lee	Napolitano	Thompson (MS)			
(TX)	Neal (MA)	Tierney			
Jefferson	Oberstar	Towns			
John	Obey	Turner (TX)			
Johnson, E. B.	Oliver	Udall (CO)			
Jones (OH)	Ortiz	Udall (NM)			
Kanjorski	Owens	Van Hollen			
Kaptur	Pallone	Velázquez			
Kennedy (RI)	Pascarella	Visclosky			
Kildee	Pastor	Waters			
Kilpatrick	Payne	Watson			
Kind	Pelosi	Watt			
Kleczka	Peterson (MN)	Waxman			
Kucinich	Pomeroy	Weiner			
Lampson	Price (NC)	Woolsey			
Langevin	Rahall	Wu			
Lantos	Rangel	Wynn			
Larsen (WA)					

NAYS—216

Aderholt	Cunningham	Hobson
Akin	Davis, Jo Ann	Hoekstra
Alexander	Davis, Tom	Hostettler
Bachus	Deal (GA)	Houghton
Baker	DeLay	Hulshof
Barrett (SC)	DeMint	Hunter
Bartlett (MD)	Diaz-Balart, L.	Hyde
Barton (TX)	Diaz-Balart, M.	Isakson
Bass	Doolittle	Issa
Beauprez	Dreier	Istook
Biggart	Duncan	Jenkins
Bilirakis	Dunn	Johnson (CT)
Bishop (UT)	Ehlers	Johnson (IL)
Blackburn	Emerson	Johnson, Sam
Blunt	English	Jones (NC)
Boehlert	Everett	Keller
Boehner	Feeney	Kelly
Bonilla	Ferguson	Kennedy (MN)
Bonner	Flake	King (IA)
Bono	Foley	King (NY)
Boozman	Forbes	Kingston
Bradley (NH)	Fossella	Kirk
Brady (TX)	Franks (AZ)	Kline
Brown (SC)	Frelinghuysen	Knollenberg
Brown-Waite,	Gallegly	Kolbe
Ginny	Garrett (NJ)	LaHood
Burgess	Gerlach	Latham
Burns	Gibbons	LaTourette
Burr	Gilchrest	Leach
Burton (IN)	Gillmor	Lewis (CA)
Buyer	Gingrey	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	LoBiondo
Cantor	Granger	Lucas (OK)
Capito	Graves	Manzullo
Charter	Green (WI)	McCotter
Chabot	Gutknecht	McCrery
Chocola	Hall	McHugh
Coble	Harris	McInnis
Cole	Hart	McKeon
Collins	Hastings (WA)	Mica
Cox	Hayes	Miller (FL)
Crane	Hayworth	Miller (MI)
Crenshaw	Hefley	Miller, Gary
Cubin	Hensarling	Moran (KS)
Culberson	Herger	Murphy

Ramstad	Stearns
Regula	Sullivan
Rehberg	Sweeney
Renzi	Tancredi
Reynolds	Taylor (NC)
Rogers (AL)	Terry
Rogers (KY)	Thomas
Rogers (MI)	Thornberry
Rohrabacher	Tiahrt
Ros-Lehtinen	Tiberi
Royce	Turner (OH)
Ryan (WI)	Upton
Ryun (KS)	Vitter
Saxton	Walden (OR)
Sensenbrenner	Walsh
Sessions	Wamp
Shadegg	Weldon (FL)
Shaw	Weldon (PA)
Sherwood	Weller
Shimkus	Whitfield
Shuster	Wick
Simmons	Wilson (NM)
Simpson	Wilson (SC)
Smith (MI)	Wolf
Smith (NJ)	Young (FL)
Smith (TX)	
Souder	

NOT VOTING—14

Ballenger	Mollohan	Tauzin
Cannon	Nethercutt	Toomey
Goss	Ryan (OH)	Wexler
Greenwood	Schrock	Young (AK)
Majette	Slaughter	

□ 1220

Mr. TAYLOR of North Carolina and Mr. RADANOVICH changed their vote from “yea” to “nay.”

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from “nay” to “yea.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GARRETT LEE SMITH MEMORIAL ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2634, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2634, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 433]

YEAS—352

Abercrombie	Becerra	Boehner
Ackerman	Bell	Bono
Alexander	Berkley	Boozman
Allen	Berman	Boswell
Andrews	Berry	Boucher
Baca	Biggart	Boyd
Bachus	Bilirakis	Bradley (NH)
Baird	Bishop (GA)	Brady (PA)
Baker	Bishop (NY)	Brady (TX)
Baldwin	Blackburn	Brown (OH)
Barton (TX)	Blumenauer	Brown (SC)
Bass	Blunt	Brown, Corrine
Beauprez	Boehlert	

Brown-Waite, Hill
Ginny Hinchey
Burgess Hinojosa
Burns Hobson
Butterfield Hoeffel
Buyer Hoekstra
Calvert Holden
Camp Holt
Capito Honda
Capps Hooley (OR)
Capuano Houghton
Cardin Hoyer
Cardoza Hulshof
Carson (IN) Hunter
Carson (OK) Inslee
Case Isakson
Castle Israel
Chabot Issa
Chandler Jackson (IL)
Chocola Jackson-Lee
Clay (TX)
Clyburn Jefferson
Cole Jenkins
Conyers John
Cooper Johnson (CT)
Costello Johnson (IL)
Cramer Johnson, E. B.
Crenshaw Jones (OH)
Crowley Kanjorski
Cunningham Kaptur
Davis (AL) Keller
Davis (CA) Kelly
Davis (FL) Kennedy (MN)
Davis (IL) Kennedy (RI)
Davis (TN) Kildee
Davis, Jo Ann Kilpatrick
Davis, Tom Kind
DeFazio King (NY)
DeGette Kirk
Delahunt Kleczka
DeLauro Knollenberg
DeLay Kolbe
DeMint Kucinich
Deutsch LaHood
Diaz-Balart, L. Lampson
Diaz-Balart, M. Langevin
Dicks Lantos
Dingell Larsen (WA)
Doggett Larson (CT)
Dooley (CA) Latham
Doyle LaTourette
Dreier Leach
Duncan Lee
Dunn Levin
Edwards Lewis (CA)
Ehlers Lewis (GA)
Emanuel Lipinski
Emerson LoBiondo
Engel Lofgren
English Lowey
Eshoo Lucas (KY)
Etheridge Lynch
Evans Maloney
Farr Markey
Fattah Marshall
Ferguson Matheson
Filner Matsui
Foley McCarthy (MO)
Forbes McCarthy (NY)
Ford McCollum
Fossella McCotter
Frank (MA) McCreery
Frelinghuysen McDermott
Frost McGovern
Gallegly McHugh
Gephardt McLinnis
Gerlach McIntyre
Gibbons McKeon
Gilchrest McNulty
Gillmor Meehan
Gonzalez Meeks (NY)
Goode Menendez
Goodlatte Mica
Gordon Michaud
Granger Millender-
Graves McDonald
Green (TX) Miller (MI)
Green (WI) Miller (NC)
Grijalva Miller, Gary
Gutierrez Miller, George
Hall Moore
Harman Moran (KS)
Harris Moran (VA)
Hart Murphy
Hastings (FL) Murtha
Hastings (WA) Nadler
Hayes Napolitano
Hayworth Neal (MA)
Herseth Ney

Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Oswens
Oxley
Pallone
Pascarell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez

Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonilla
Bonner
Burton (IN)
Cantor
Carter
Coble
Collins
Cox
Crane
Cubin
Culberson
Deal (GA)
Doolittle
Everett
Feeney
Flake
Franks (AZ)

Ballenger
Burr
Cannon
Cummings
Goss
Greenwood

Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
NAYS—64
Garrett (NJ)
Gingrey
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hyde
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Miller (FL)
Musgrave
Myrick
Neugebauer

NOT VOTING—17

Majette
Meek (FL)
Mollohan
Nethercutt
Payne
Ryan (OH)

Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 2004, the amendment offered by the gentleman from California (Mr. GEORGE MILLER) had been disposed of and the bill was open for amendment from page 104 line 1 through page 105 line 16.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. BOEHNER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration

□ 1232

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes."

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the same, during the further consideration of H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.