

minute vote on the motion to suspend the rules will be followed by a 5-minute vote on adoption of House Resolution 470.

The vote was taken by electronic device, and there were—yeas 261, nays 165, not voting 8, as follows:

[Roll No. 858]

YEAS—261

Adams	Galleghy	Mica
Aderholt	Gardner	Miller (FL)
Akin	Garrett	Miller (MI)
Alexander	Gerlach	Miller, Gary
Altmire	Gibbs	Mulvaney
Amodei	Gibson	Murphy (PA)
Austria	Gingrey (GA)	Myrick
Bachmann	Goodlatte	Neugebauer
Bachus	Gosar	Noem
Barletta	Gowdy	Nugent
Barrow	Granger	Nunnelee
Bartlett	Graves (GA)	Olson
Barton (TX)	Graves (MO)	Palazzo
Bass (NH)	Griffin (AR)	Paulsen
Benishke	Griffith (VA)	Pearce
Berg	Grimm	Pence
Biggert	Guinta	Peterson
Bilbray	Guthrie	Petri
Bilirakis	Hall	Pitts
Bishop (GA)	Hanna	Platts
Bishop (UT)	Harper	Poe (TX)
Black	Harris	Pompeo
Blackburn	Hartzler	Posey
Boehner	Hastings (WA)	Price (GA)
Bonner	Hayworth	Quayle
Bono Mack	Heck	Reed
Boren	Hensarling	Rehberg
Boswell	Herger	Reichert
Boustany	Herrera Beutler	Renacci
Brady (TX)	Hochul	Ribble
Brooks	Holden	Rigell
Broun (GA)	Huelskamp	Rivera
Buchanan	Huizenga (MI)	Roby
Bucshon	Hultgren	Roe (TN)
Buerkle	Hunter	Rogers (AL)
Burgess	Hurt	Rogers (KY)
Burton (IN)	Inslee	Rogers (MI)
Calvert	Issa	Rohrabacher
Camp	Jenkins	Rokita
Campbell	Johnson (IL)	Rooney
Canseco	Johnson (OH)	Ros-Lehtinen
Cantor	Johnson, Sam	Roskam
Capito	Jones	Ross (AR)
Cardoza	Jordan	Ross (FL)
Carter	Kelly	Royce
Cassidy	Kind	Runyan
Chabot	King (IA)	Scalise
Chaffetz	King (NY)	Schilling
Chandler	Kingston	Schmidt
Coble	Kinzinger (IL)	Schock
Coffman (CO)	Kissell	Schweikert
Cole	Kline	Scott (SC)
Conaway	Labrador	Scott, Austin
Cooper	Lamborn	Sensenbrenner
Costa	Lance	Sessions
Costello	Landry	Shimkus
Cravaack	Lankford	Shuler
Crawford	Latham	Shuster
Crenshaw	LaTourette	Simpson
Cuellar	Latta	Smith (NE)
Culberson	Lewis (CA)	Smith (NJ)
Davis (KY)	Lipinski	Smith (TX)
DeFazio	LoBiondo	Southerland
Denham	Loeb sack	Stearns
Dent	Long	Stivers
DesJarlais	Lucas	Stutzman
Diaz-Balart	Luetkemeyer	Sullivan
Dold	Lummis	Terry
Donnelly (IN)	Lungren, Daniel	Thompson (PA)
Duffy	E.	Thornberry
Duncan (SC)	Mack	Tiberi
Duncan (TN)	Manzullo	Tipton
Ellmers	Marchant	Turner (NY)
Emerson	Marino	Turner (OH)
Farenthold	Matheson	Upton
Fincher	McCarthy (CA)	Walberg
Fitzpatrick	McCaul	Walden
Flake	McClintock	Walsh (IL)
Fleischmann	McCotter	Webster
Fleming	McHenry	West
Flores	McIntyre	Westmoreland
Forbes	McKeon	Whitfield
Fortenberry	McKinley	Wilson (SC)
Fox	McMorris	Wittman
Franks (AZ)	Rodgers	Wolf
Frelinghuysen	Meehan	

Womack
Woodall
Yoder
Young (AK)
NAYS—165

Ackerman	Grijalva	Pelosi
Amash	Gutierrez	Perlmutter
Andrews	Hahn	Peters
Baca	Hanabusa	Pingree (ME)
Baldwin	Hastings (FL)	Polis
Becerra	Heinrich	Price (NC)
Berkley	Higgins	Quigley
Berman	Himes	Rahall
Bishop (NY)	Hinchev	Rangel
Blumenauer	Hinojosa	Reyes
Brady (PA)	Hirono	Richardson
Braley (IA)	Holt	Richmond
Brown (FL)	Honda	Rothman (NJ)
Butterfield	Hoyer	Roybal-Allard
Capps	Israel	Ruppersberger
Capuano	Jackson (IL)	Rush
Carnahan	Jackson Lee	Ryan (OH)
Carney	(TX)	Ryan (WI)
Carson (IN)	Johnson (GA)	Sánchez, Linda
Castor (FL)	Johnson, E. B.	T.
Chu	Kaptur	Sanchez, Loretta
Cicilline	Keating	Sarbanes
Clarke (MI)	Killde	Schakowsky
Clarke (NY)	Kucinich	Schiff
Clay	Langevin	Schrader
Cleaver	Larsen (WA)	Schwartz
Clyburn	Larson (CT)	Scott (VA)
Cohen	Lee (CA)	Scott, David
Connolly (VA)	Levin	Serrano
Conyers	Lewis (GA)	Sewell
Courtney	Lofgren, Zoe	Sherman
Critz	Lowe	Sires
Crowley	Luján	Slaughter
Cummings	Lynch	Smith (WA)
Davis (CA)	Maloney	Speier
Davis (IL)	Markey	Stark
DeGette	Matsui	Sutton
DeLauro	McCarthy (NY)	Thompson (CA)
Dicks	McCollum	Thompson (MS)
Dingell	McDermott	Tierney
Doggett	McGovern	Tonko
Doyle	McNerney	Towns
Dreier	Meeks	Tsongas
Edwards	Michaud	Van Hollen
Ellison	Miller (NC)	Velázquez
Engel	Miller, George	Visclosky
Eshoo	Moore	Walz (MN)
Farr	Moran	Wasserman
Fattah	Murphy (CT)	Schultz
Frank (MA)	Nadler	Waters
Fudge	Neal	Watt
Garamendi	Owens	Waxman
Gohmert	Pallone	Welch
Gonzalez	Pascrell	Wilson (FL)
Green, Al	Pastor (AZ)	Woolsey
Green, Gene	Payne	Yarmuth

NOT VOTING—8

□ 1358

Mr. FRANK of Massachusetts changed his vote from “yea” to “nay.”

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 858, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 858 in order to attend an important event in my district. Had I been present, I would have voted “nay” on the Motion to Suspend the Rules and Pass, As Amended H.J. Res. 2—Proposing a Balanced Budget Amendment to the Constitution of the United States.

Ms. BASS of California. Madam Speaker, on rollcall No. 858 I was unable to be present as I was in California attending a family funeral. Had I been present, I would have voted “nay.”

PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 167, not voting 27, as follows:

[Roll No. 859]

YEAS—239

Adams	Forbes	Manzullo
Aderholt	Fortenberry	Marino
Akin	Fox	Matheson
Alexander	Franks (AZ)	McCarthy (CA)
Amash	Frelinghuysen	McCaul
Amodei	Gardner	McClintock
Austria	Garrett	McCotter
Bachmann	Gerlach	McHenry
Bachus	Gibbs	McIntyre
Barletta	Gibson	McKeon
Bartlett	Gingrey (GA)	McKinley
Barton (TX)	Gohmert	McMorris
Bass (NH)	Goodlatte	Rodgers
Benishke	Gosar	Meehan
Berg	Gowdy	Mica
Biggert	Granger	Miller (FL)
Bilbray	Graves (GA)	Miller (MI)
Bilirakis	Graves (MO)	Miller, Gary
Bishop (UT)	Griffin (AR)	Mulvaney
Black	Griffith (VA)	Murphy (PA)
Blackburn	Grimm	Myrick
Bonner	Guinta	Neugebauer
Bono Mack	Guthrie	Noem
Boren	Hall	Nugent
Boustany	Hanna	Nunnelee
Brady (TX)	Harper	Olson
Brooks	Harris	Palazzo
Broun (GA)	Hartzler	Paulsen
Buchanan	Hastings (WA)	Pearce
Bucshon	Hayworth	Pence
Buerkle	Heck	Petri
Burgess	Hensarling	Pitts
Burton (IN)	Herger	Platts
Calvert	Herrera Beutler	Poe (TX)
Camp	Huelskamp	Pompeo
Campbell	Huizenga (MI)	Posey
Canseco	Hultgren	Price (GA)
Cantor	Hunter	Quayle
Capito	Hurt	Reed
Carter	Issa	Rehberg
Cassidy	Jenkins	Reichert
Chabot	Johnson (IL)	Renacci
Chaffetz	Johnson (OH)	Ribble
Coble	Johnson, Sam	Rigell
Coffman (CO)	Jones	Rivera
Cole	Jordan	Roby
Conaway	Kelly	Roe (TN)
Cravaack	King (IA)	Rogers (AL)
Crawford	King (NY)	Rogers (KY)
Culberson	Kingston	Rogers (MI)
Davis (KY)	Kinzinger (IL)	Rohrabacher
Denham	Kline	Rokita
Dent	Labrador	Rooney
DesJarlais	Lamborn	Ros-Lehtinen
Diaz-Balart	Lance	Ross (AR)
Dold	Landry	Ross (FL)
Dreier	Lankford	Royce
Duffy	Latham	Runyan
Duncan (SC)	LaTourette	Scalise
Duncan (TN)	Latta	Schilling
Ellmers	Lewis (CA)	Schmidt
Emerson	LoBiondo	Schock
Farenthold	Long	Schweikert
Fincher	Lucas	Scott (SC)
Fitzpatrick	Luetkemeyer	Scott, Austin
Flake	Lummis	Sensenbrenner
Fleischmann	Lungren, Daniel	Sessions
Fleming	E.	Shimkus
Flores	Mack	Shuler

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)

NAYS—167

Ackerman
Altmire
Andrews
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

NOT VOTING—27

Baca
Bass (CA)
Butterfield
Capuano
Courtney
Crenshaw
Deutch
Doyle
Ellison

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1405

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.

Stated for:

Mr. RYAN of Wisconsin. Madam Speaker, today, I missed rollcall vote 859. Had I been present, I would have cast the following vote:

Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.

Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Vislosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

rollcall 859—H. Res. 470, Providing for consideration of H.R. 3094—"yea."

Stated against:

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 859 in order to attend an important event in my district. Had I been present, I would have voted "nay" on agreeing to H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. PASCRELL. Madam Speaker, I missed the last rollcall vote today.

Had I been present, I would have voted "nay" on rollcall vote No. 859, on H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. FILNER. Madam Speaker, on rollcall 859, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mr. ELLISON. Madam Speaker, today I inadvertently missed rollcall vote No. 859. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mrs. BIGGERT. Madam Speaker, on rollcall No. 857, I was unavoidably detained. Had I been present, I would have voted "no."

ADJOURNMENT TO TUESDAY,
NOVEMBER 22, 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, November 22, 2011; when the House adjourns on that day, it adjourn to meet at 1 p.m. on Friday, November 25, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Tuesday, November 29, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICA'S CUP ACT OF 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Cup Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term "34th America's Cup"—

(A) means the sailing competitions, commencing in 2011, to be held in the United States

in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term "America's Cup Race Management" means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term "Eligibility Certification" means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term "eligible vessel" means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term "supporting vessel" means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.