

Thompson (MS) Velázquez
 Tierney Visclosky
 Turner (TX) Waters
 Udall (CO) Watson
 Udall (NM) Watt
 Van Hollen Waxman

NOT VOTING—18

Andrews Franks (AZ) Shays
 Berman Istook Smith (MI)
 Brown, Corrine Leach Tauzin
 DeMint Oberstar
 Deutsch Peterson (PA) Wexler
 Forbes Rangel Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1214

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3722.

The Clerk read the title of the 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 bill, H.R. 3722, 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 88, nays 331, not voting 14, as follows:

[Roll No. 182]

YEAS—88

Aderholt Goode Paul
 Akin Goodlatte Pence
 Bachus Gutknecht Pitts
 Barrett (SC) Hall
 Bass Hayes
 Bereuter Hayworth
 Bishop (UT) Hefley
 Blackburn Hoekstra
 Boozman Hostettler
 Boucher Hulshof
 Bradley (NH) Hunter
 Burton (IN) Isakson
 Buyer Jenkins
 Carter Johnson, Sam
 Coble Jones (NC)
 Collins Keller
 Cox Kelly
 Culberson King (IA)
 Cunningham Kingston
 Deal (GA) Kline
 Doolittle Manzullo
 Duncan McCotter
 Everett McCrery
 Feeney Mica
 Franks (AZ) Miller (FL)
 Gallegly Miller, Gary
 Garrett (NJ) Musgrave
 Gerlach Myrick
 Gibbons Norwood
 Gingrey Otter

NAYS—331

Abercrombie Ballance Berman
 Ackerman Ballenger Berry
 Alexander Bartlett (MD) Biggert
 Allen Barton (TX) Bilirakis
 Baca Beauprez Bishop (GA)
 Baird Becerra Bishop (NY)
 Baker Bell Blumenauer
 Baldwin Berkley Blunt

Boehlerth Harris
 Boehner Hart
 Bonilla Hastings (FL)
 Bonner Hastings (WA)
 Bono Hensarling
 Boswell Hill
 Boyd Hinchey
 Brady (PA) Hinojosa
 Brady (TX) Hobson
 Brown (OH) Hoeffel
 Brown (SC) Holden
 Brown-Waite, Holt
 Ginny Honda
 Burgess Hooley (OR)
 Burns Houghton
 Burr Hoyer
 Calvert Hyde
 Camp Inslee
 Cannon Israel
 Cantor Issa
 Capito Jackson (IL)
 Capps Jackson-Lee
 Capuano (TX)
 Cardin Jefferson
 Cardoza John
 Carson (IN) Johnson (CT)
 Carson (OK) Johnson (IL)
 Case Johnson, E. B.
 Castle Jones (OH)
 Chabot Kanjorski
 Chandler Kaptur
 Chocola Kennedy (MN)
 Clay Kennedy (RI)
 Clyburn Kildee
 Cole Kilpatrick
 Conyers Kind
 Cooper King (NY)
 Costello Kirk
 Cramer Kleczka
 Crane Knollenberg
 Crenshaw Kolbe
 Crowley Kucinich
 Cubin LaHood
 Cummings Lampson
 Davis (AL) Langevin
 Davis (CA) Lantos
 Davis (FL) Larsen (WA)
 Davis (IL) Larson (CT)
 Davis (TN) Latham
 Davis, Jo Ann LaTourette
 Davis, Tom Lee
 DeFazio Levin
 DeGette Lewis (CA)
 Delahunt Lewis (GA)
 DeLauro Lewis (KY)
 DeLay Linder
 Diaz-Balart, L. Lipinski
 Diaz-Balart, M. LoBiondo
 Dicks Lofgren
 Dingell Lowey
 Doggett Lucas (KY)
 Dooley (CA) Lucas (OK)
 Doyle Lynch
 Dreier Majette
 Dunn Maloney
 Edwards Markey
 Ehlers Marshall
 Emanuel Matheson
 Emerson Matsui
 Engel McCarthy (MO)
 English McCarthy (NY)
 Eshoo McCollum
 Etheridge McDermott
 Evans McGovern
 Farr McHugh
 Fattah McInnis
 Ferguson McIntyre
 Filner McKeon
 Flake McNulty
 Foley Meehan
 Ford Meek (FL)
 Fossella Meeks (NY)
 Frank (MA) Menendez
 Frelinghuysen Michaud
 Frost Millender-
 Gephardt McDonald
 Gilchrest Miller (MI)
 Gillmor Miller (NC)
 Gonzalez Miller, George
 Gordon Mollohan
 Goss Moore
 Granger Moran (KS)
 Graves Moran (VA)
 Green (TX) Murphy
 Green (WI) Murtha
 Greenwood Nadler
 Grijalva Napolitano
 Gutierrez Neal (MA)
 Harman Nethercutt

Neugebauer Walsh
 Ney Waters
 Northup Watson
 Nunes Watt
 Nussle Waxman
 Obey
 Olver
 Ortiz
 Osborne
 Ose
 Owens
 Oxley
 Pallone
 Pascarell
 Pastor
 Payne
 Pearce
 Pelosi
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pombo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Pryce (OH)
 Putnam
 Quinn
 Rahall
 Regula
 Renzi
 Reyes
 Reynolds
 Rodriguez
 Rogers (KY)
 Rogers (MI)
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Sandlin
 Saxton
 Schakowsky
 Schiff
 Scott (GA)
 Scott (VA)
 Serrano
 Sessions
 Shadegg
 Shaw
 Sherman
 Sherwood
 Simmons
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (WA)
 Snyder
 Solis
 Souder
 Spratt
 Stark
 Stenholm
 Strickland
 Stupak
 Sweeney
 Tanner
 Tauscher
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner (OH)
 Turner (TX)
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)

NOT VOTING—14

Andrews Herger Shays
 Brown, Corrine Istook Tauzin
 DeMint Leach Wexler
 Deutsch Oberstar Young (AK)
 Forbes Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1224

Mrs. JOHNSON of Connecticut, Mr. FOSSELLA, and Mr. BURNS changed their vote from “yea” to “nay.”

Messrs. WHITFIELD, TAYLOR of North Carolina, and TANCREDO changed their vote from “nay” to “yea.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Mr. Speaker, on rollcall Nos. 180, 181, and 182, I was unavoidably detained and unable to make the vote.

Had I been present, I would have voted: “No” on No. 180, joint rule for consideration of H.R. 2728, 2729, 2730, 2731; “No” on No. 181, tabling Miller motion to instruct conferees on overtime; “No” on No. 182, H.R. 3722, Undocumented Alien Emergency Assistance Amendments of 2004.

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2004

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 645, I call up the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 645, the bill is considered read for amendment.

The text of H.R. 2728 is as follows:

H.R. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Occupational Safety and Health Small Business Day in Court Act of 2003”.

SECTION 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.

(a) CITATION.—The second sentence of section 10(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659(a)) is amended by inserting “(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)” after “assessment of penalty”.