

NAYS—16

Conyers	Kucinich	Schakowsky
Frank (MA)	Lee	Stark
Hastings (FL)	Lofgren	Waters
Hinchee	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
Emanuel	Lee	Rodriguez
Engel	Levin	Ross
Eshoo	Lewis (GA)	Rothman
Etheridge	Lipinski	Roybal-Allard
Evans	Lofgren	Ruppersberger
Farr	Lowe	Rush
Fattah	Lucas (KY)	Sabo
Filner	Lynch	Sánchez, Linda T.
Ford	Maloney	Sanchez, Loretta
Frank (MA)	Markey	Sanders
Frost	Marshall	Sandlin
Gephardt	Matheson	Schakowsky
Gonzalez	Matsui	Schiff
Gordon	McCarthy (MO)	Scott (GA)
Green (TX)	McCarthy (NY)	Scott (VA)
Grijalva	McCollum	Serrano
Gutierrez	McDermott	Shays
Harman	McGovern	Sherman
Hastings (FL)	McIntyre	Skelton
Herseth	McNulty	Smith (WA)
Hill	Meehan	Snyder
Hinchee	Meek (FL)	Solis
Hinojosa	Meeks (NY)	Spratt
Hoeffel	Menendez	Stark
Holden	Michaud	Stenholm
Holt	Miller-	Strickland
Honda	McDonald	Stupak
Hooey (OR)	Miller (NC)	Tanner
Hoyer	Miller, George	Tauscher
Inslee	Moore	Taylor (MS)
Israel	Moran (VA)	Thompson (CA)
Jackson (IL)	Murtha	Thompson (MS)
Jackson-Lee	Nadler	Neal (MA)
(TX)	Napolitano	Oberstar
Jefferson	John	Obey
John	Johnson, E. B.	Olver
Johnson, E. B.	Jones (OH)	Ortiz
Jones (OH)	Kanjorski	Owens
Kanjorski	Kennedy (RI)	Pallone
Kaptur	Kildee	Pascrell
Kennedy (RI)	Kilpatrick	Pastor
Kildee	Kind	Payne
Pascrell	Kleczka	Pelosi
Pastor	Kucinich	Peterson (MN)
Payne	Lampson	Pomeroy
Pelosi	Langevin	Price (NC)
Peterson (MN)	Lantos	Rahall
Pomeroy	Larsen (WA)	Rangel
Price (NC)		
Rahall		
Rangel		

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
Cheema	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

Musgrave	Ramstad	Stearns
Myrick	Regula	Sullivan
Neugebauer	Rehberg	Sweeney
Ney	Renzi	Tancredo
Northup	Reynolds	Taylor (NC)
Norwood	Rogers (AL)	Terry
Nunes	Rogers (KY)	Thomas
Nussle	Rogers (MI)	Thornberry
Osborne	Rohrabacher	Tiahrt
Ose	Ros-Lehtinen	Tiberti
Otter	Royce	Turner (OH)
Oxley	Ryan (WI)	Upton
Paul	Ryun (KS)	Vitter
Pearce	Saxton	Walden (OR)
Pence	Sensenbrenner	Walsh
Peterson (PA)	Sessions	Wamp
Petri	Shadegg	Weldon (FL)
Pickering	Shaw	Weldon (PA)
Pitts	Sherwood	Weller
Platts	Shimkus	Whitfield
Pombo	Shuster	Wicker
Porter	Simmons	Wilson (NM)
Portman	Simpson	Wilson (SC)
Pryce (OH)	Smith (MI)	Wolf
Putnam	Smith (NJ)	Young (FL)
Quinn	Smith (TX)	
Radanovich	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
Baldwin	Bilirakis	Bradley (NH)
Becerra	Bishop (GA)	Brady (PA)
Bell	Bishop (NY)	Brady (TX)
Berkley	Blackburn	Brown (OH)
Berman	Blumenauer	Brown (SC)
Berry	Blunt	Brown, Corrine
Bachus	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  
 Deusch 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) McCrery  
 Frelinghuysen McDermott  
 Frost McGovern  
 Gallegly McHugh  
 Gephardt McInnis  
 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)  
 Hersech Ney

Northup  
 Nussle  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Osborne  
 Owens  
 Oxley  
 Pallone  
 Pascrell  
 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

Watt  
 Waxman  
 Weiner  
 Weldon (PA)  
 Weller  
 Whitfield  
 Wicker

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

NAYS—64

Aderholt  
 Akin  
 Barrett (SC)  
 Bartlett (MD)  
 Bishop (UT)  
 Bonilla  
 Bonner  
 Burton (IN)  
 Cantor  
 Carter  
 Coble  
 Collins  
 Cox  
 Crane  
 Cubin  
 Culberson  
 Deal (GA)  
 Doolittle  
 Everrett  
 Feeney  
 Flake  
 Franks (AZ)

NOT VOTING—17

Ballenger  
 Burr  
 Cannon  
 Cummings  
 Goss  
 Greenwood

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

Norwood  
 Nunes  
 Ose  
 Otter  
 Paul  
 Pence  
 Peterson (PA)  
 Pombo  
 Radanovich  
 Rohrabacher  
 Royce  
 Ryan (WI)  
 Sensenbrenner  
 Shadegg  
 Sherwood  
 Smith (MI)  
 Sullivan  
 Tancredo  
 Thornberry  
 Weldon (FL)

□ 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.