

Ortiz Sanford Taylor (NC)
Orton Sawyer Tejada
Oxley Schaefer Thomas
Packard Schiff Thornberry
Parker Schumer Thornton
Paxon Scott Thurman
Payne (VA) Seastrand Tiahr
Peterson (FL) Sensenbrenner Torkildsen
Peterson (MN) Shadegg Traficant
Petri Shaw Upton
Pickett Shays Volkmer
Pombo Shuster Vucanovich
Pomeroy Sisisky Waldholtz
Porter Skeen Walker
Portman Skelton Walsh
Poshard Smith (MI) Wamp
Pryce Smith (TX) Watts (OK)
Quillen Smith (WA) Weldon (FL)
Quinn Solomon Weller
Radanovich Souder White
Ramstad Spence Whitfield
Regula Spratt Wicker
Riggs Stearns Williams
Roberts Stenholm Wilson
Roemer Stockman Wise
Rogers Stump Wolf
Rohrabacher Stupak Wynn
Ros-Lehtinen Talent Young (AK)
Rose Tanner Young (FL)
Roth Tate Zeliff
Royce Tauzin
Salmon Taylor (MS)

NOES—128

Abercrombie Gjdenson Pallone
Ackerman Gibbons Pastor
Baldacci Gilchrist Payne (NJ)
Barrett (WI) Gutierrez Pelosi
Becerra Hall (OH) Rahall
Beilenson Hamilton Rangel
Bentsen Hastings (FL) Reed
Berman Hinchey Reynolds
Boehlert Jackson-Lee Richardson
Bonior Jacobs Rivers
Borski Jefferson Roukema
Brown (CA) Johnson, E. B. Roybal-Allard
Brown (FL) Johnston Rush
Bryant (TX) Kaptur Sabo
Cardin Kennedy (MA) Sanders
Clay Kennedy (RI) Saxton
Clayton Kildee Scarborough
Collins (IL) Kleczka Schroeder
Collins (MI) Lantos Serrano
Conyers Levin Skaggs
Costello Lewis (GA) Slaughter
Coyne Lipinski Smith (NJ)
DeFazio Lofgren Stark
DeLauro Lowey Stokes
Dellums Luther Studds
Dingell Markey Thompson
Dixon Martini Torres
Doggett McCarthy Torricelli
Ehlers McDermott Towns
Engel McKinney Tucker
Eshoo Meehan Velazquez
Evans Meek Vento
Farr Menendez Visclosky
Fattah Meyers Ward
Fields (LA) Mfume Waters
Filner Miller (CA) Watt (NC)
Flake Mineta Waxman
Foglietta Mink Weldon (PA)
Ford Morella Woolsey
Frank (MA) Nadler Wyden
Franks (NJ) Oberstar Yates
Frelinghuysen Olver Zimmer
Furse Owens

NOT VOTING—5

Gekas Hoke Moakley
Gonzalez Lightfoot

So the amendment to the amendment in the nature of a substitute was agreed to.

After some further time,

36.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PORTER to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

Page 3, after line 11, insert the following:

SEC. 6 EFFECT OF PRIVATE PROPERTY IMPACT ANALYSIS.

(a) IN GENERAL.—No compensation shall be made under this Act with respect to any agency action for which the agency has completed a private property impact analysis before taking that agency action.

(b) CONTENT.—For the purposes of this section, a private property impact analysis is a written statement that includes.—

(1) the specific purpose of the agency action;
(2) an assessment of the likelihood that a taking of private property will occur under such action; and

(3) alternatives to the agency action, if any, that would achieve the intended purpose and lessen the likelihood of a taking of private property.

(c) PRECLUSION OF JUDICIAL REVIEW.—Neither the sufficiency nor any other aspect of a private property impact analysis made under this section is subject to judicial review.

(d) EFFECT ON OTHER RIGHTS.—The fact that compensation may not be made under this Act by reason of this section does not affect the right to compensation for takings of private property for public use under the fifth article of amendment to the Constitution.

(e) DEFINITION.—As used in this section, the term "taking of private property" means an action whereby property is taken in such a way as to require compensation under the fifth article of amendment to the Constitution.

Redesignated succeeding sections accordingly.

It was decided in the { Yeas 186
negative } Nays 241

36.11 [Roll No. 191]
AYES—186

Abercrombie Flake Markey
Ackerman Foglietta Martinez
Andrews Ford Martini
Baldacci Fox Mascara
Barrett (WI) Frank (MA) Matsui
Becerra Franks (NJ) McCarthy
Beilenson Frelinghuysen McDade
Bentsen Frost McDermott
Bereuter Furse McHale
Berman Gjdenson McKinney
Bishop Gephardt Meehan
Blute Gibbons Meek
Boehlert Gilchrist Menendez
Bonior Gilman Meyers
Borski Greenwood Mfume
Boucher Gutierrez Miller (CA)
Brown (FL) Hall (OH) Mineta
Brown (OH) Hamilton Minge
Cardin Hastings (FL) Mink
Castle Hinchey Mollohan
Clay Hoyer Moran
Clayton Jackson-Lee Morella
Clement Jacobs Murtha
Clyburn Jefferson Nadler
Coleman Johnson (CT) Neal
Collins (IL) Johnson (SD) Oberstar
Collins (MI) Johnson, E. B. Obey
Conyers Johnston Olver
Costello Kanjorski Owens
Coyne Kaptur Pallone
DeFazio Kelly Payne (NJ)
DeLauro Kennedy (MA) Pelosi
Dellums Kennedy (RI) Peterson (FL)
Deutsch Kennelly Pomeroy
Dicks Kildee Porter
Dingell Klink Quinn
Dixon Klug Rahall
Doggett LaFalce Ramstad
Doyle Lantos Rangel
Durbin LaTourrette Reed
Ehlers Lazio Reynolds
Engel Levin Richardson
Eshoo Lewis (GA) Rivers
Evans Lipinski Roemer
Farr Lofgren Roukema
Fattah Lowey Roybal-Allard
Fazio Luther Rush
Fields (LA) Maloney Sabo
Filner Manton

Sanders Stark Walsh
Sawyer Stokes Ward
Saxton Studds Waters
Schiff Stupak Watt (NC)
Schroeder Thompson Waxman
Schumer Thornton Weldon (PA)
Scott Torkildsen Williams
Serrano Torres Wise
Shays Towns Woolsey
Skaggs Tucker Wyden
Slaughter Velazquez Yates
Smith (NJ) Vento Zimmer
Spratt Visclosky

NOES—241

Allard Frisa Ney
Archer Funderburk Norwood
Army Gallegly Nussle
Bachus Ganske Ortiz
Baker (CA) Gekas Orton
Baker (LA) Geren Oxley
Ballenger Gillmor Packard
Barcia Goodlatte Parker
Barr Goodling Paxon
Barrett (NE) Gordon Payne (VA)
Bartlett Goss Peterson (MN)
Barton Green Petri
Bass Gunderson Pickett
Bateman Gutknecht Pombo
Bevill Hall (TX) Portman
Bilbray Hancock Poshard
Bilirakis Bilely Pryce
Bliley Hansen Quillen
Boehner Harman Radanovich
Bonilla Hastert Regula
Bono Hastings (WA) Riggs
Brewster Hayes Roberts
Browder Hayworth Rogers
Brownback Hefley Rohrabacher
Bryant (TN) Hefner Ros-Lehtinen
Bunn Heineman Rose
Bunning Herger Roth
Burr Hilleary Royce
Burton Hilliard Salmon
Buyer Hobson Sanford
Callahan Hoekstra Scarborough
Calvert Hoke Schaefer
Camp Holden Seastrand
Canady Canady Stenholm
Chabot Chabot Sensenbrenner
Chambliss Houghton Shadegg
Chapman Hunter Shaw
Chenoweth Hutchinson Shuster
Christensen Hyde Studds
Chrysler Inglis Siskiy
Clinger Istook Skelton
Coble Johnson, Sam Smith (MI)
Coburn Jones Smith (TX)
Collins (GA) Kasich Smith (WA)
Combust Kim Solomon
Condit King Souder
Cooley Kingston Spence
Cox Knollenberg Stearns
Cramer Krabe Stenholm
Crane LaHood Stockman
Crapo Largent Stump
Creameans Latham Talent
Cubin Laughlin Tanner
Cunningham Leach Tate
Danner Lewis (CA) Tauzin
Davis Lewis (KY) Taylor (MS)
de la Garza Lightfoot Taylor (NC)
Deal Lincoln Tejada
DeLay Linder Thomas
Diaz-Balart Livingston Thornberry
Dickey LoBiondo Thurman
Dooley Longley Tiahr
Doolittle Lucas Traficant
Dornan Manuzullo Upton
Dreier McCollum Volkmer
Duncan McCrery Vucanovich
Dunn McHugh Waldholtz
Edwards McInnis Walker
Ehrlich McIntosh Wamp
Emerson McKeon Watts (OK)
English McNulty Weldon (FL)
Ensign Metcalf Weller
Everett Mica White
Ewing Miller (FL) Whitfield
Fawell Molinari Wicker
Fields (TX) Montgomery Wilson
Flanagan Moorhead Wolf
Foley Myers Young (AK)
Forbes Myrick Young (FL)
Fowler Nethercutt Zeliff
Franks (CT) Neumann

NOT VOTING—7

Baesler
Brown (CA)
Bryant (TX)

Gonzalez
Kleczka
Moakley

Torricelli

So the amendment to the amendment in the nature of a substitute was not agreed to.

After some further time,

¶36.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOSS to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

In section 3(a), strike “any portion” and all that follows through “10 percent” and insert “that property has been limited by an agency action, under a specified regulatory law, that diminishes the fair market value of that property by 30 percent”.

It was decided in the
negative { Yeas 210
Nays 211

¶36.13 [Roll No. 192]
AYES—210

Abercrombie	Gejdenson	Mink
Ackerman	Gephardt	Mollohan
Andrews	Gibbons	Moran
Baldacci	Gilchrest	Morella
Barcia	Gilman	Nadler
Barrett (WI)	Gordon	Neal
Bass	Goss	Nethercutt
Becerra	Green	Oberstar
Beilenson	Greenwood	Obey
Bentsen	Gutierrez	Olver
Bereuter	Hall (OH)	Pallone
Berman	Hamilton	Pastor
Bilbray	Harman	Payne (NJ)
Bilirakis	Hastings (FL)	Pelosi
Bishop	Hefner	Peterson (FL)
Blute	Hilliard	Pomeroy
Boehlert	Hinchey	Porter
Bonior	Hobson	Portman
Borski	Jackson-Lee	Poshard
Boucher	Jacobs	Pryce
Brown (FL)	Jefferson	Quinn
Brown (OH)	Johnson (CT)	Rahall
Cardin	Johnson (SD)	Ramstad
Castle	Johnson, E. B.	Rangel
Clay	Johnston	Reed
Clayton	Kanjorski	Regula
Clement	Kaptur	Reynolds
Clinger	Kelly	Richardson
Clyburn	Kennedy (MA)	Rivers
Coleman	Kennedy (RI)	Roemer
Collins (IL)	Kennelly	Ros-Lehtinen
Collins (MI)	Kildee	Rose
Conyers	Kleczka	Roukema
Costello	Klink	Roybal-Allard
Coyne	Klug	Rush
Davis	Kolbe	Sabo
DeFazio	LaFalce	Sanders
DeLauro	Lantos	Sanford
Dellums	Lazio	Sawyer
Deutsch	Leach	Schroeder
Dicks	Levin	Schumer
Dingell	Lewis (GA)	Scott
Dixon	Lincoln	Serrano
Doggett	Lipinski	Shaw
Dooley	Lofgren	Shays
Doyle	Lowe	Skaggs
Durbin	Luther	Slaughter
Ehlers	Maloney	Smith (NJ)
Engel	Manton	Spratt
English	Markey	Stark
Eshoo	Martini	Stokes
Evans	Mascara	Studds
Farr	Matsui	Stupak
Fattah	McCarthy	Taylor (MS)
Fazio	McDermott	Thompson
Fields (LA)	McHale	Thurman
Filner	McKinney	Torkildsen
Flake	Meehan	Torres
Foglietta	Meek	Towns
Foley	Menendez	Tucker
Forbes	Meyers	Upton
Ford	Mfume	Velazquez
Fowler	Miller (CA)	Vento
Frank (MA)	Miller (FL)	Visclosky
Franks (NJ)	Mineta	Walsh
Furse	Minge	Ward

Waters
Watt (NC)
Waxman
Weldon (PA)

Williams
Wise
Wolf
Woolsey

Wyden
Wynn
Young (FL)
Zimmer

NOES—211

Allard	Frelinghuysen	Neumann
Archer	Frisa	Ney
Armey	Frost	Norwood
Bachus	Funderburk	Nussle
Baker (CA)	Gallegly	Ortiz
Baker (LA)	Ganske	Orton
Ballenger	Gekas	Oxley
Barr	Geren	Packard
Barrett (NE)	Gillmor	Parker
Bartlett	Goodlatte	Paxon
Barton	Goodling	Payne (VA)
Bateman	Graham	Peterson (MN)
Bevill	Gunderson	Petri
Bliley	Gutknecht	Pickett
Boehner	Hall (TX)	Pombo
Bonilla	Hancock	Quillen
Bono	Hansen	Radanovich
Brewster	Hastert	Riggs
Browder	Hastings (WA)	Roberts
Brownback	Hayes	Rogers
Bryant (TN)	Hayworth	Rohrabacher
Bunn	Hefley	Rohr
Bunning	Heineman	Royce
Burr	Hergert	Salmon
Burton	Hillery	Saxton
Buyer	Hoekstra	Scarborough
Callahan	Hoke	Schaefer
Calvert	Holden	Seastrand
Camp	Hostettler	Sensenbrenner
Canady	Houghton	Shadegg
Chabot	Hunter	Shuster
Chambliss	Hutchinson	Sisisky
Chapman	Hyde	Skeel
Chenoweth	Inglis	Skelton
Christensen	Istook	Smith (MI)
Chryslers	Johnson, Sam	Smith (TX)
Coble	Jones	Smith (WA)
Coburn	Kasich	Solomon
Collins (GA)	Kim	Souder
Collins (MI)	King	Spence
Combest	Kingston	Stearns
Condit	Knollenberg	Stenholm
Cooley	LaHood	Stockman
Cox	Largent	Stump
Cramer	Latham	Talent
Crane	LaTourrette	Tanner
Crapo	Lewis (CA)	Tate
Creameans	Lewis (KY)	Tauzin
Cubin	Lightfoot	Taylor (NC)
Cunningham	Linder	Tejeda
Danner	Livingston	Thomas
de la Garza	LoBiondo	Thornberry
Deal	Longley	Thornton
DeLay	Lucas	Tiahrt
Diaz-Balart	Manzullo	Traficant
Dickey	McCollum	Volkmer
Doolittle	McCrary	Vucanovich
Dornan	McDade	Waldholtz
Dreier	McHugh	Walker
Duncan	Mclnnis	Wamp
Dunn	McIntosh	Watts (OK)
Edwards	McKeon	Weldon (FL)
Ehrlich	McNulty	Weller
Emerson	Metcalf	White
Ensign	Mica	Whitfield
Everett	Molinari	Wicker
Ewing	Montgomery	Wilson
Fawell	Moorhead	Young (AK)
Fields (TX)	Murtha	Zeliff
Flanagan	Myers	
Fox	Myrick	

NOT VOTING—13

Baesler
Brown (CA)
Bryant (TX)
Gonzalez
Horn

Hoyer
Laughlin
Martinez
Moakley
Owens

Schiff
Torricelli
Yates

So the amendment to the amendment in the nature of a substitute was not agreed to.

After some further time,

¶36.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WYDEN to the foregoing amendment in the nature of a substitute submitted by Mr. CANADY:

In section 5(a)(2) strike the period and insert “, or”.

At the end of section 5(a), insert: with respect to an agency action that would prevent or restrict any activity likely to diminish the fair market value of any private homes.

In section 9, insert the following new paragraph after paragraph (4), and redesignate subsequent paragraphs accordingly:

(5) the term “private home” means any owner occupied dwelling, including any multi-family dwelling and any condominium.

It was decided in the
negative { Yeas 165
Nays 260

¶36.15 [Roll No. 193]
AYES—165

Abercrombie	Gordon	Neal
Ackerman	Goss	Oberstar
Andrews	Green	Obey
Baldacci	Gutierrez	Olver
Barrett (WI)	Hall (OH)	Owens
Becerra	Hastings (FL)	Pallone
Beilenson	Hefner	Pastor
Bentsen	Hilliard	Payne (NJ)
Berman	Hinchey	Pelosi
Bishop	Hoyer	Peterson (FL)
Boehlert	Jackson-Lee	Pomeroy
Bonior	Jacobs	Porter
Borski	Jefferson	Poshard
Boucher	Johnson (CT)	Rahall
Browder	Johnson (SD)	Reed
Brown (CA)	Johnson, E. B.	Reynolds
Brown (FL)	Johnston	Richardson
Brown (OH)	Kanjorski	Rivers
Cardin	Kaptur	Roukema
Clay	Kelly	Roybal-Allard
Clayton	Kennedy (MA)	Rush
Clement	Kennedy (RI)	Sabo
Clyburn	Kennelly	Sanders
Coleman	Kildee	Sawyer
Collins (IL)	Klink	Schroeder
Collins (MI)	LaFalce	Schumer
Conyers	Lantos	Scott
Coyne	Levin	Serrano
DeFazio	Lewis (GA)	Shays
DeLauro	Lipinski	Skaggs
Dellums	Lofgren	Slaughter
Deutsch	Lowe	Spratt
Dicks	Luther	Stark
Dingell	Maloney	Stokes
Dixon	Manton	Studds
Doggett	Markey	Stupak
Dooley	Mascara	Thompson
Doyle	Matsui	Thurman
Durbin	McCarthy	Torres
Ehlers	McDermott	Towns
Engel	McHale	Traficant
English	McKinney	Tucker
Eshoo	Meehan	Velazquez
Evans	Meek	Vento
Farr	Menendez	Visclosky
Fattah	Meyers	Walsh
Fazio	Mfume	Ward
Fields (LA)	Miller (CA)	
Filner	Miller (FL)	
Flake	Mineta	
Foglietta	Mollohan	
Foley	Moran	
Forbes	Morella	
Ford	Murtha	
Fowler	Nadler	
Frank (MA)		
Franks (NJ)		
Furse		

NOES—260

Allard	Boehner	Clinger
Archer	Bonilla	Coble
Armey	Bono	Coburn
Bachus	Brewster	Collins (GA)
Baesler	Brownback	Combest
Baker (CA)	Bryant (TN)	Condit
Baker (LA)	Bunn	Cooley
Ballenger	Bunning	Costello
Barcia	Burr	Cox
Barr	Burton	Cramer
Barrett (NE)	Buyer	Crane
Bartlett	Callahan	Crapo
Barton	Calvert	Creameans
Bass	Camp	Cubin
Bateman	Canady	Cunningham
Bereuter	Castle	Danner
Bevill	Chabot	Davis
Bilbray	Chambliss	de la Garza
Bilirakis	Chapman	Deal
Bliley	Christensen	DeLay
Blute	Chryslers	Diaz-Balart