

analysis, report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees and expenses. The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of services furnished.

"(B) The term 'substantially justified' shall have the same meaning as in section 2412(d)(1) of title 28, United States Code."

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 232 affirmative Nays 193

39.13 [Roll No. 207] AYES—232

- Allard, Archer, Armey, Bachus, Baker (CA), Baker (LA), Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bereuter, Bilbray, Billirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brewster, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combust, Cooley, Cox, Crane, Crapo, Cremeans, Cubin, Cunningham, Davis, de la Garza, Deal, DeLay, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Emerson, English, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Gingrich, Goodlatte, Goodling, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Heger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Johnson, Sam, Jones, Kasich, Kelly, Kim, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, Leach, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, LoBiondo, Lucas, Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Minge, Molinari, Montgomery, Moorhead, Morella, Myers, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Rogers, Rohrabacher, Roukema, Tate

- Myrick, Neumann, Ney, Norwood, Nussle, Ortiz, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (MN), Petri, Pombo, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Rogers, Rohrabacher, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Rogers, Rohrabacher, Roukema, Tate

NOES—193

- Abercrombie, Ackerman, Andrews, Baesler, Baldacci, Barrett (WI), Bateman, Becerra, Beilenson, Bentsen, Berman, Bevill, Bishop, Bonior, Borski, Boucher, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Buyer, Cardin, Chapman, Clay, Clayton, Clement, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Cramer, Danner, DeFazio, DeLauro, Dellums, Deutsch, Diaz-Balart, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Durbin, Edwards, Ehrlich, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Foglietta, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hayes, Hefner, Hilliard, Hinchey, Bishop, Hoyer, Jackson-Lee, Jacobs, Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, King, Kleczka, Klink, LaFalce, Lantos, LaTourette, Laughlin, Lazio, Levin, Lewis (GA), Lincoln, Lipinski, Lofgren, Longley, Lowey, Luther, Maloney, Manton, Markey, Martinez, Martini, Mascara, Matsui, McCarthy, McDermott, McHale, Meehan, Menendez, Mfume, Miller (CA), Fazio, Mink, Moakley, Mollohan, Moran, Murtha, Nadler, Neal, Nethercutt, Oberstar

NOT VOTING—10

- Condit, Flake, Gibbons, Jefferson, Johnson (CT), McDade, McKinney, Meek, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Rogers, Rohrabacher, Roukema, Tate

- Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

- Obey, Olver, Orton, Owens, Pallone, Pastor, Payne (NJ), Pelosi, Peterson (FL), Pickett, Pomeroy, Poshard, Rahall, Reed, Reynolds, Richardson, Rivers, Roemer, Ros-Lehtinen, Rose, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Siskisky, Skaggs, Skelton, Slaughter, Spratt, Stark, Stokes, Studds, Stupak, Tanner, Tejada, Thompson, Thornton, Thurman, Torres, Torricelli, Towns, Traficant, Tucker, Velazquez, Vento, Visclosky, Volkmer, Ward, Waters, Watt (NC), Waxman, Williams, Wilson, Wise, Woolsey, Wyden, Yates

So the bill was passed. A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

39.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1058

Mr. DERIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 105):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed eight hours. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. Points of order under clause 7 of rule XVI against the amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

When said resolution was considered. After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DICKEY, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

It was decided in the { Yeas 257 affirmative Nays 155 Answered present 1

39.15 [Roll No. 208] YEAS—257

- Allard, Archer, Armey, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bishop, Bliley, Blute, Boehlert, Boehner, Bonilla, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr