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 navs 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 de-

It was decided in the Yeas ...... 232 affirmative ...... Nays ..... 193

#### ¶39.13[Roll No. 207] AYES-232

Allard Davis Herger de la Garza Hilleary Archer Armey Deal Hobson Bachus DeLay Hoekstra Baker (CA) Hoke Dickey Baker (LA) Doolittle Horn Hostettler Ballenger Dornan Barcia Dreier Houghton Barr Duncan Hunter Barrett (NE) Hutchinson Dunn Hyde Barton Emerson Inglis English Istook Bass Bereuter Ensign Johnson, Sam Bilbray Everett Jones Bilirakis Ewing Fawell Kasich Bliley Kelly Fields (TX) Blute Kim Boehlert Kingston Flanagan Klug Knollenberg Boehner Foley Bonilla Forbes Fowler Kolbe Bono Brewster LaHood Franks (CT) Brownback Largent Bryant (TN) Franks (NJ) Latham Bunn Frelinghuysen Leach Lewis (CA) Bunning Frisa Funderburk Burr Lewis (KY) Burton Gallegly Lightfoot Callahan Ganske Linder Calvert Gekas Livingston Camp Geren LoBiondo Canady Gilchrest Lucas Manzullo Castle Gillmor Chabot Gilman McCollum Chambliss McCrery Gingrich Chenoweth Goodlatte McHugȟ Christensen Goodling Goss McInnis McIntosh Chrysler Graham Clinger Coble Greenwood McNulty Coburn Gunderson Metcalf Collins (GA) Gutknecht Meyers Combest Hall (TX) Mica Miller (FL) Cooley Hancock Cox Hansen Minge Molinari Crane Hastert Hastings (WA) Montgomery Crapo Cremeans Hayworth Moorhead Cubin Hefley Morella Cunningham Heineman Mvers

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

Abercrombie

Royce Salmon Tauzin Taylor (MS) Taylor (NC) Sanford Saxton Scarborough Thomas Thornberry Schaefer Tiahrt Torkildsen Schiff Seastrand Upton Sensenbrenner Vucanovich Shadegg Waldholtz Walker Shaw Walsh Shays Wamp Watts (OK) Shuster Skeen Smith (MI) Weldon (FL) Smith (NJ) Weldon (PA) Smith (TX) Weller Smith (WA) White Whitfield Solomon Wicker Souder Spence Wolf Young (AK) Stearns Stenholm Young (FL) Stockman Zeliff Stump Zimmer Talent Tate

#### NOES-193

Gonzalez

Obey Olver Ackerman Gordon Andrews Green Orton Baesler Gutierrez Owens Hall (OH) Pallone Baldacci Barrett (WI) Hamilton Pastor Payne (NJ) Bateman Harman Hastings (FL) Pelosi Becerra Peterson (FL) Beilenson Hayes Bentsen Hefner Pickett Hilliard Berman Pomeroy Bevill Hinchey Poshard Holden Rahall Bishop Bonio Hoyer Reed Borski Jackson-Lee Reynolds Boucher Jacobs Richardson Johnson (SD) Browder Rivers Brown (CA) Johnson, E. B. Roemer Ros-Lehtinen Brown (FL) Johnston Brown (OH) Kanjorski Rose Roybal-Allard Bryant (TX) Kaptur Kennedy (MA) Buyer Rush Cardin Kennedy (RI) Sabo Chapman Kennelly Sanders Kildee Clay Sawyer Clayton King Schroeder Kleczka Schumer Clement Clyburn Klink Scott Coleman LaFalce Serrano Collins (IL) Lantos Sisisky LaTourette Collins (MI) Skaggs Laughlin Skelton Conyers Slaughter Costello Lazio Levin Coyne Spratt Lewis (GA) Cramer Stark Stokes Lincoln Danner DeFazio Lipinski Studds DeLauro Lofgren Stupak Dellums Tanner Longley Deutsch Lowey Tejeda Thompson Thornton Diaz-Balart Luther Maloney Dicks Dingell Manton Thurman Dixon Markey Torres Doggett Martinez Torricelli Dooley Martini Towns Traficant Dovle Mascara Durbin Matsui Tucker Edwards McCarthy Velazquez McDermott Ehrlich Vento Engel McHale Visclosky Meehan Volkmer Eshoo Evans Menendez Ward Farr Mfume Waters Fattah Miller (CA) Watt (NC) Fazio Mineta Waxman Fields (LA) Williams Filner Moakley Wilson Foglietta Mollohan Wise Ford Moran Woolsey Frank (MA) Murtha Wyden Wynn Frost Nadler Neal Gejdenson Nethercutt

## NOT VOTING-10

Oberstar

Gephardt

Condit

Flake

Gibbons

Jefferson

Johnson (CT) Rangel McDade Roth McKinney Meek

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):

A motion to reconsider the vote

whereby the bill was passed was, by

unanimous consent, laid on the table.

So the bill was passed.

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

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

A quorum not being present,

¶39.15

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

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

[Roll No. 208]

YEAS-257 Barton Allard Boehlert Archer Boehner Bass Bateman Armey Bonilla Bachus Bereuter Brewster Browder Baker (CA) Baker (LA) Bevill Bilbray Brownback Ballenger Bilirakis Bryant (TN) Barr Bishop Bunn Barrett (NE) Bliley Bunning Blute

HOUSE OF REPRESENTATIVES

It was decided in the affirmative .....

Yeas ...... Navs ..... 124 Answered 1 present

¶39.18

Burton Hefley Heineman Buyer Callahan Herger Calvert Hilleary Hobson Camp Canady Hoekstra Castle Chabot Hoke Horn Chambliss Hostettler Chenoweth Houghton Christensen Hover Chrysler Hunter Clinger Coble Hutchinson Hyde Coburn Inglis Collins (GA) Istook Combest Jacobs Cooley Johnson (CT) Cox Johnson, Sam Cramer Jones Crane Kasich Kelly Crapo Cremeans Cubin King Cunningham Kingston Kleczka de la Garza Klug Knollenberg Deal DeLay Kolbe Diaz-Balart LaHood Dickey Latham Doolittle LaTourette Dornan Laughlin Dreier Lazio Duncan Leach Lewis (CA) Dunn Lewis (KY) Ehlers Ehrlich Lightfoot Emerson Lincoln English Linder Lipinski Ensign Everett LoBiondo Ewing Fawell Fields (TX) Longley Lucas Manzullo Flanagan Martini Foley Forbes McCollum McHugh Fowler McInnis Fox McIntosh Franks (CT) McKeon Franks (NJ) Meyers Frelinghuysen Mica Frisa Miller (FL) Funderburk Mineta Gallegly Ganske Molinari Montgomery Gekas Moorhead Geren Morella Gilchrest Murtha Gillmor Myers Myrick Gilman Gonzalez Nethercutt Goodlatte Neumann Goodling Nev Gordon Norwood Goss Graham Nussle

Portman Pryce Quillen Quinn Radanovich Rahall Ramstad Regula Riggs Roberts Rogers Rohrabacher Ros-Lehtinen Roukema Royce Salmon Sanford Saxton Scarborough Schaefer Schiff Schumer Seastrand Sensenbrenner Serrano Shadegg Shaw Shays Shuster Sisisky Skeen Skelton Smith (MI) Smith (NJ) Smith (TX) Smith (WA) Solomon Souder Spence Stearns Stenholm Stockman Stump Talent Tate Tauzin Taylor (MS) Taylor (NC) Thomas Thornberry Thornton Tiahrt Torkildsen Torres Torricelli Unton Vucanovich Waldholtz

Walker

Walsh

Wamp

Weller

White

Whitfield

Wicker Williams

Wilson

Wyden

Young (AK)

Young (FL)

Wolf

Zeliff

Zimmer

Watts (OK)

Weldon (FL)

Johnson, E.B. Johnston Mink Moakley Sawyer Schroeder Kanjorski Mollohan Scott Moran Nadler Skaggs Slaughter Kaptur Kennedy (MA) Kennedy (RI) Neal Spratt Kennelly Oberstan Stark Kildee Obey Stokes Klink Olver Studds LaFalce Ortiz Stupak Tanner Lantos Orton Levin Owens Tejeda Lewis (GA) Pallone Thompson Lofgren Thurman Pastor Luther Payne (NJ) Towns Payne (VA) Pelosi Traficant Maloney Manton Tucker Markey Peterson (FL) Velazquez Martinez Pomeroy Vento Poshard Visclosky Mascara Matsui Reed Volkmer McCarthy Reynolds Richardson Ward McDermott Waters McHale Rivers Watt (NC) McNulty Roemer Waxman Meehan Roybal-Allard Menendez Woolsey Mfume Rush Wynn Miller (CA) Sabo Minge Sanders

## ANSWERED "PRESENT"-1

#### Lowey

## NOT VOTING-21

Gibbons	McDade
Greenwood	McKinney
Hinchey	Meek
Jefferson	Metcalf
Largent	Rangel
Livingston	Roth
McCrery	Weldon (PA)
	Greenwood Hinchey Jefferson Largent Livingston

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the

Pursuant to section 2 of House Resolution 105, H. Res. 103 was laid on the table.

# ¶39.16 FEDERAL SECURITIES LITIGATION

The SPEAKER pro tempore, Mr. DICKEY, pursuant to House Resolution 105 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

The SPEAKER pro tempore, Mr. DICKEY, by unanimous consent, designated Mr. COMBEST as Chairman of the Committee of the Whole; and after some time spent therein,

#### ¶39.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. COX:

Page 28, after line 2, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

#### SEC. 6. AMENDMENT TO RACKETEER INFLU-ENCED AND CORRUPT ORGANIZA-TIONS ACT.

Section 1964(c) of title 18, United States Code, is amended by inserting ", except that no person may bring an action under this provision if the racketeering activity, as defined in section 1961(1)(D), involves conduct actionable as fraud in the purchase or sale of securities" before the period.

¶39.18[Roll No. 209] AYES-292

Mica Ackerman Fawell Miller (FL) Allard Fazio Andrews Fields (TX) Minge Moakley Archer Flanagar Armey Foley Molinari Forbes Mollohan Bachus Baesler Fowler Montgomery Baker (CA) Moorhead Fox Baker (LA) Frank (MA) Moran Baldacci Franks (CT) Morella Franks (NJ) Ballenger Mvers Frelinghuysen Myrick Barcia Barr Frisa Neal Funderburk Barrett (NE) Nethercutt Gallegly Bartlett Neumann Ney Nussle Barton Ganske Bass Gekas Bateman Geren Orton Bereuter Gilchrest Oxlev Packard Bilbray Gillmor Bilirakis Gilman Parker Bishop Goodlatte Paxon Payne (VA) Bliley Goodling Blute Goss Graham Peterson (FL) Boehlert Peterson (MN) Bonilla Gunderson Petri Bono Boucher Gutknecht Hall (TX) Pickett Pombo Brewster Hamilton Portman Poshard Browder Hancock Brownback Harman Bryant (TN) Pryce Bunn Hastings (WA) Quillen Bunning Hayes Quinn Hayworth Radanovich Burton Hefley Heineman Ramstad Regula Buyer Callahan Herger Riggs Roberts Calvert Hilleary Camp Hobson Rogers Canady Hoekstra Rohrabacher Cardin Hoke Ros-Lehtinen Holden Roukema Castle Chabot Horn Royce Hostettler Chambliss Salmon Houghton Sanford Chapman Chenoweth Hoyer Sawyer Hunter Christensen Saxton Hutchinson Scarborough Chrysler Clement Hyde Schaefer Inglis Schiff Clinger Schumer Johnson (CT) Coble Seastrand Coburn Johnson, Sam Sensenbrenner Shadegg Collins (GA) Jones Combest Kasich Shaw Cooley Costello Kelly Shays Kennelly Shuster Cox Kim Sisisky Crane King Skeen Kingston Skelton Klug Knollenberg Smith (MI) Cremeans Cubin Smith (NJ) Cunningham Kolbe Smith (TX) LaHood Danner Smith (WA) Latham Solomon Davis de la Garza LaTourette Souder Laughlin Deal Spence Lazio DeLauro Spratt DeLay Leach Stearns Deutsch Lewis (CA) Stenholm Lewis (KY) Diaz-Balart Stockman Dickey Stump Talent Lightfoot Linder Dooley Lipinski Doolittle Tanner Livingston LoBiondo Dornan Tate Dovle Tauzin Dreier Lofgren Taylor (NC) Duncan Longley Tejeda Thomas Dunn Lucas Maloney Manzullo Thornberry Durbin Edwards Thornton Ehlers Martini Thurman Ehrlich Mascara McCollum Tiahrt Torkildsen Emerson McCrery English Torricelli McHugh Traficant Upton Vento Eshoo McInnis McIntosh Evans

McKeon

Metcalf

Meyers

Everett

Ewing

Vucanovich

Waldholtz

## NAYS-155

Peterson (MN)

Oxley

Gutknecht

Hall (TX)

Hancock

Hansen

Hastert

Hayworth

Hastings (WA)

Packard

Parker

Paxon

Petri

Pickett

Pombo

Porter

Clyburn Abercrombie Fattah Ackerman Coleman Fazio Collins (IL) Collins (MI) Fields (LA) Andrews Filner Baesler Baldacci Conyers Foglietta Barcia Costello Ford Barrett (WI) Frost Covne Becerra Danner Furse Beilenson DeFazio Gejdenson DeLauro Bentsen Gephardt Dellums Berman Green Bonior Deutsch Gutierrez Dingell Borski Hall (OH) Hamilton Boucher Dixon Brown (CA) Doggett Dooley Harman Hastings (FL) Brown (FL) Doyle Brown (OH) Edwards Bryant (TX) Cardin Hefner Hilliard Engel Holden Clay Jackson-Lee Clayton Evans Johnson (SD) Clement