

40.6 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

Mr. LIVINGSTON submitted a privileged report (Rept. No. 104-71) on the bill (H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 8 of rule XXI all points of order were reserved.

40.7 HOUSE OVERSIGHT REVIEW PANEL

The SPEAKER laid before the House the following communication, which was read as follows:

COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 3, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule 51, clause 7, I have appointed the Honorable Lincoln Diaz-Balart as chairman of, and the Honorable Robert W. Ney to serve on, the review panel established by that Rule for the 104th Congress.

Best regards,

BILL THOMAS,
Chairman.

40.8 MESSAGE FROM THE PRESIDENT—FEDERAL RAILROAD SAFETY

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I transmit herewith the 1993 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Transportation and Infrastructure.

40.9 MESSAGE FROM THE PRESIDENT—TRADE POLICY AGENDA AND AGREEMENTS PROGRAM

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1995 Trade Policy Agenda and 1994 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means.

40.10 MESSAGE FROM THE PRESIDENT—FEDERAL COUNCIL ON AGING

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I transmit herewith the Annual Report for 1994 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Economic and Educational Opportunities.

40.11 FEDERAL SECURITIES LITIGATION REFORM

The SPEAKER pro tempore, Mr. CUNNINGHAM, 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 further consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

Mr. COMBEST, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

40.12 RECORDED VOTE

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

Substitute amendment submitted by Mr. COX:

Page 18, beginning on line 2, strike "For example" and all that follows through line 5 and insert the following: "Deliberately refraining from taking steps to discover whether one's statements are false or misleading constitutes recklessness, but if the failure to investigate was not deliberate, such conduct shall not be considered to be reckless."

Amendment submitted by Ms. ESHOO:

Page 18, beginning on line 2, strike "For example, a defendant who genuinely forgot to disclose, or to whom disclosure did not come to mind, is not reckless."

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| It was decided in the affirmative | } Yeas 252 | } Nays 173 | } Answered present 1 | | | |
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40.13 [Roll No. 210] AYES—252

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|--------------|-------------|--------------|
| Allard | Boehert | Chabot |
| Archer | Boehner | Chambliss |
| Armey | Bonilla | Chenoweth |
| Bachus | Bono | Christensen |
| Baker (CA) | Brewster | Chrysler |
| Baker (LA) | Browder | Clinger |
| Ballenger | Brownback | Coble |
| Barr | Bryant (TN) | Coburn |
| Barrett (NE) | Bunn | Collins (GA) |
| Bartlett | Bunning | Combest |
| Barton | Burr | Condit |
| Bass | Burton | Cooley |
| Bateman | Buyer | Cox |
| Bereuter | Callahan | Cramer |
| Bilbray | Calvert | Crane |
| Bilirakis | Camp | Crapo |
| Bliley | Canady | Creameans |
| Blute | Castle | Cubin |

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|---------------|---------------|---------------|
| Cunningham | Jacobs | Quinn |
| Davis | Johnson (CT) | Radanovich |
| Deal | Johnson, Sam | Ramstad |
| DeLay | Jones | Regula |
| Diaz-Balart | Kasich | Riggs |
| Dickey | Kelly | Roberts |
| Dooley | Kennedy (RI) | Roemer |
| Doolittle | Kim | Rogers |
| Dornan | King | Rohrabacher |
| Dreier | Kingston | Ros-Lehtinen |
| Dunn | Klug | Roth |
| Ehlers | Knollenberg | Roukema |
| Ehrlich | Kolbe | Royce |
| Emerson | LaHood | Salmon |
| English | Largent | Sanford |
| Ensign | Latham | Saxton |
| Everett | LaTourette | Scarborough |
| Ewing | Laughlin | Schaefer |
| Fawell | Lazio | Schiff |
| Fields (TX) | Leach | Seastrand |
| Flanagan | Lewis (CA) | Sensenbrenner |
| Foley | Lewis (KY) | Shadegg |
| Forbes | Lightfoot | Shaw |
| Fowler | Linder | Shays |
| Franks (CT) | Livingston | Shuster |
| Franks (NJ) | LoBiondo | Sisisky |
| Frelinghuysen | Longley | Skeen |
| Frisa | Lucas | Skelton |
| Frost | Manzullo | Smith (MI) |
| Funderburk | Martini | Smith (NJ) |
| Galleghy | McCollum | Smith (TX) |
| Ganske | McCrery | Smith (WA) |
| Gekas | McHugh | Solomon |
| Geren | McInnis | Souder |
| Gilchrest | McIntosh | Spence |
| Gillmor | McKeon | Stearns |
| Gilman | McNulty | Stenholm |
| Goodlatte | Menendez | Stockman |
| Goodling | Metcalf | Stump |
| Goss | Meyers | Talent |
| Graham | Mica | Tate |
| Greenwood | Miller (FL) | Tauzin |
| Gunderson | Minge | Taylor (NC) |
| Gutknecht | Molinari | Thomas |
| Hall (TX) | Montgomery | Thornberry |
| Hancock | Moorhead | Tiahrt |
| Hansen | Moran | Torkildsen |
| Harman | Morella | Upton |
| Hastert | Myers | Vucanovich |
| Hastings (WA) | Myrick | Waldholtz |
| Hayworth | Nethercutt | Walker |
| Hefley | Neumann | Walsh |
| Heineman | Ney | Wamp |
| Herger | Norwood | Watts (OK) |
| Hilleary | Nussle | Weldon (FL) |
| Hobson | Oxley | Weldon (PA) |
| Hoekstra | Packard | Weller |
| Hoke | Parker | White |
| Holden | Paxon | Whitfield |
| Horn | Peterson (MN) | Wicker |
| Hostettler | Petri | Wilson |
| Houghton | Pombo | Wolf |
| Hunter | Porter | Young (AK) |
| Hutchinson | Portman | Young (FL) |
| Hyde | Pryce | Zeliff |
| Inglis | Quillen | Zimmer |

NOES—173

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|--------------|-------------|---------------|
| Ackerman | de la Garza | Gutierrez |
| Andrews | DeFazio | Hall (OH) |
| Baessler | DeLauro | Hamilton |
| Baldacci | Dellums | Hastings (FL) |
| Barcia | Deutsch | Hayes |
| Barrett (WI) | Dicks | Hefner |
| Becerra | Dingell | Hilliard |
| Beilenson | Dixon | Hinchey |
| Bentsen | Doggett | Hoyer |
| Berman | Doyle | Istook |
| Bevill | Duncan | Jackson-Lee |
| Bishop | Durbin | Jefferson |
| Bonior | Edwards | Johnson (SD) |
| Borski | Engel | Johnston |
| Boucher | Eshoo | Kanjorski |
| Brown (CA) | Evans | Kaptur |
| Brown (FL) | Farr | Kennedy (MA) |
| Brown (OH) | Fattah | Kennelly |
| Bryant (TX) | Fazio | Kildee |
| Cardin | Fields (LA) | Kleccka |
| Chapman | Filner | Klink |
| Clay | Flake | LaFalce |
| Clayton | Foglietta | Lantos |
| Clement | Ford | Levin |
| Clyburn | Fox | Lewis (GA) |
| Coleman | Frank (MA) | Lincoln |
| Collins (IL) | Furse | Lipinski |
| Collins (MI) | Gejdenson | Lofgren |
| Conyers | Gephardt | Luther |
| Costello | Gonzalez | Maloney |
| Coyne | Gordon | Manton |
| Crapo | Green | Markey |