

Martinez Pelosi Stupak
 Mascara Peterson (FL) Tanner
 Matsui Pickett Taylor (MS)
 McCarthy Pomeroy Tejada
 McDermott Poshard Thompson
 McHale Rahall Thornton
 Meehan Reed Thurman
 Mfume Reynolds Torres
 Miller (CA) Richardson Torricelli
 Mineta Rivers Towns
 Mink Rose Traficant
 Moakley Roybal-Allard Tucker
 Mollohan Rush Velazquez
 Murtha Sabo Vento
 Nadler Sanders Visclosky
 Neal Sawyer Volkmer
 Oberstar Schroeder Ward
 Obey Schumer Watt (NC)
 Olver Scott Waxman
 Ortiz Serrano Williams
 Orton Skaggs Wise
 Owens Slaughter Woolsey
 Pallone Spratt Wyden
 Pastor Stark Wynn
 Payne (NJ) Stokes Yates
 Payne (VA) Studds

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—8

Abercrombie McDade Rangel
 Gibbons McKinney Waters
 Johnson, E.B. Meek

So the substitute amendment for the amendment was agreed to.

After some further time,

40.14 RECORDED VOTE

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

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

SEC. 6. INAPPLICABILITY TO DERIVATIVES.

This Act and the amendments made by this Act shall not apply to any action based on an allegation of fraud in connection with the purchase or sale of a derivative instrument. For purposes of this section, the term "derivative instrument" means any financial contract or other instrument that derives its value from the value or performance of any security, currency exchange rate, or interest rate (or group or index thereof), but does not include—

(1) any security that is traded on a national securities exchange or on an automated interdealer quotation system sponsored by a securities association registered under section 15A of this title;

(2) any forward contract which has a maturity at the time of issuance not exceeding 270 days;

(3) any contract of sale of a commodity for future delivery, or any option on such a contract, traded or executed on a designated contract market and subject to regulation under the Commodity Exchange Act; or

(4) any deposit held by a financial institution.

It was decided in the negative

Yeas 162
 Nays 261
 Answered present 1

40.15 [Roll No. 211] AYES—162

Abercrombie Berman Cardin
 Ackerman Bishop Clay
 Andrews Bonior Clayton
 Baesler Borski Clement
 Baldacci Boucher Clyburn
 Barrett (WI) Brown (CA) Coleman
 Bateman Brown (FL) Collins (IL)
 Becerra Brown (OH) Collins (MI)
 Beilenson Bryant (TX) Conyers

Costello Kaptur Pomeroy
 Coyne Kennedy (MA) Poshard
 DeFazio Kennelly Rahall
 DeLauro Kildee Reed
 Dellums Kleczka Reynolds
 Dicks Klink Rivers
 Dingell Lantos Roemer
 Dixon Levin Roukema
 Doggett Lewis (GA) Roybal-Allard
 Doyle Lipinski Rush
 Duncan Lofgren Sabo
 Durbin Luther Sanders
 Edwards Maloney Sawyer
 Engel Manton Schroeder
 Nadler Markley Schumer
 Evans Martinez Scott
 Farr Mascara Serrano
 Fazio Matsui Slaughter
 Fields (LA) McCarthy Smith (WA)
 Filner McDermott Spratt
 Flake McHale Stark
 Foglietta McNulty Stokes
 Ford Meehan Studds
 Fox Menendez Stupak
 Frost Metcalf Tanner
 Furse Mfume Taylor (MS)
 Gejdenson Miller (CA) Thompson
 Gephardt Mineta Thornton
 Gordon Minge Torres
 Green Mink Torricelli
 Gutierrez Moakley Towns
 Hall (OH) Mollohan Traficant
 Hamilton Morella Tucker
 Hastings (FL) Murtha Velazquez
 Hefner Nadler Visclosky
 Hilliard Neal Volkmer
 Hinchey Oberstar Ward
 Holden Obey Watt (NC)
 Horn Olver Waxman
 Hoyer Owens Williams
 Jackson-Lee Pallone Wise
 Jacobs Pastor Woolsey
 Johnson (SD) Payne (NJ) Wyden
 Johnson, E. B. Pelosi Wynn
 Johnston Peterson (FL) Yates

NOES—261

Allard Crane Hansen
 Archer Crapo Harman
 Arney Cremeans Hastert
 Bachus Cubin Hastings (WA)
 Baker (CA) Cunnigham Hayes
 Baker (LA) Danner Hayworth
 Ballenger de la Garza Hefley
 Barcia Deal Heineman
 Barr DeLay Hergler
 Barrett (NE) Deutsch Hilleary
 Bartlett Diaz-Balart Hobson
 Barton Dickey Hoekstra
 Bass Dooley Hoke
 Bentsen Doolittle Hostettler
 Bereuter Dornan Houghton
 Bevill Dreier Hunter
 Bilbray Dunn Hutchinson
 Bilirakis Ehlers Hyde
 Bliley Ehrlich Inglis
 Blute Emerson Istook
 Boehlert English Johnson (CT)
 Boehner Ensign Johnson, Sam
 Bonilla Everett Jones
 Bono Ewing Kanjorski
 Brewster Fawell Kasich
 Browder Fields (TX) Kelly
 Brownback Flanagan Kennedy (RI)
 Bryant (TN) Foley Kim
 Bunn Forbes King
 Bunning Fowler Kingston
 Burr Frank (MA) Klug
 Burton Franks (CT) Knollenberg
 Buyer Franks (NJ) Kolbe
 Callahan Frelinghuysen LaFalce
 Calvert Frisa LaHood
 Camp Funderburk Largent
 Canady Galleghy Latham
 Castle Ganske Laughlin
 Chabot Gekas Lazio
 Chambliss Geren Leach
 Chapman Gilchrist Lewis (CA)
 Chenoweth Gillmor Lewis (KY)
 Christensen Gilman Lightfoot
 Chrysler Gonzalez Lincoln
 Clinger Goodlatte Linder
 Coble Goodling Livingston
 Coburn Goss LoBiondo
 Collins (GA) Graham Longley
 Combest Greenwood Lucas
 Condit Gunderson Manzullo
 Cooley Gutknecht Martini
 Cox Hall (TX) McCollum
 Cramer Hancock McCreery

McHugh Radanovich Stearns
 McInnis Ramstad Stenholm
 McIntosh Regula Stockman
 McKeon Richardson Stump
 Meyers Riggs Talent
 Mica Roberts Tate
 Miller (FL) Rogers Tauzin
 Molinari Rohrabacher Taylor (NC)
 Montgomery Ros-Lehtinen Tejada
 Moorhead Rose Thomas
 Moran Roth Thornberry
 Myers Royce Thurman
 Myrick Salmon Tiahrt
 Nethercutt Sanford Torkildsen
 Neumann Saxton Upton
 Ney Scarborough Vento
 Norwood Schaefer Vucanovich
 Nussle Schiff Waldholz
 Ortiz Seastrand Walker
 Orton Sensenbrenner Walsh
 Oxley Shadegg Wamp
 Packer Shaw Watts (OK)
 Parker Shays Weldon (FL)
 Paxon Shuster Weldon (PA)
 Payne (VA) Sisisky Weller
 Peterson (MN) Skaggs White
 Petri Skeen Whitfield
 Pickett Skelton Wicker
 Pombo Smith (MI) Wilson
 Porter Smith (NJ) Wolf
 Portman Smith (TX) Young (AK)
 Pryce Solomon Young (FL)
 Quillen Souder Zeliff
 Quinn Spence Zimmer

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—10

Davis LaTourette Rangel
 Fattah McDade Waters
 Gibbons McKinney
 Jefferson Meek

So the amendment was not agreed to. After some further time,

40.16 RECORDED VOTE

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

Page 28, line 12, insert before the period the following: ", except that this Act and the amendments made by this Act shall not apply to any action commenced by any State or local government, or any agency or instrumentality of any State or local government, before the date which is 3 years after such date of enactment."

It was decided in the negative
 Yeas 179
 Nays 248
 Answered present 1

40.17 [Roll No. 212] AYES—179

Abercrombie Collins (IL) Ford
 Ackerman Collins (MI) Fox
 Andrews Conyers Frank (MA)
 Bachus Costello Frost
 Baesler Coyne Furse
 Baldacci Cramer Gejdenson
 Barcia de la Garza Gephardt
 Barrett (WI) DeFazio Gonzalez
 Becerra DeLauro Gordon
 Beilenson Dellums Green
 Bentsen Dicks Gutierrez
 Berman Dingell Hall (OH)
 Bevill Dixon Hall (TX)
 Bishop Doggett Hamilton
 Bonior Doyle Hastings (FL)
 Borski Duncan Hefner
 Boucher Durbin Hilliard
 Browder Edwards Hinchey
 Brown (CA) Engel Holden
 Brown (FL) Eshoo Hoyer
 Brown (OH) Evans Jackson-Lee
 Bryant (TX) Farr Jefferson
 Cardin Fattah Johnson (SD)
 Chapman Fazio Johnson, E.B.
 Clay Fields (LA) Johnston
 Clayton Filner Kanjorski
 Clayburn Flake Kaptur
 Coleman Foglietta Kennedy (MA)