

¶39.26 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SHAW:

H.R. 1155. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the vessel *Fifty One*; to the Committee on Transportation and Infrastructure.

H.R. 1156. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Big Dad*; to the Committee on Transportation and Infrastructure.

¶39.27 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. MCCOLLUM.

H.R. 70: Mr. LARGENT.

H.R. 103: Mr. BORSKI, Mr. GORDON, Mr. GOSS, Mr. WELDON of Florida, and Mr. FIELDS of Texas.

H.R. 109: Mr. FILNER, Mr. PARKER, and Mr. WOLF.

H.R. 303: Mr. MCCOLLUM.

H.R. 328: Mr. WELDON of Pennsylvania.

H.R. 357: Ms. LOWEY, Mr. SMITH of New Jersey, Mr. KLINK, Mrs. MALONEY, Mr. RANGEL, Ms. RIVERS, Mr. STARK, Mr. FALEOMAVAEGA, Mr. ROEMER, Mr. HINCHEY, and Mr. REED.

H.R. 359: Mr. LAZIO of New York, Mr. ABERCROMBIE, Mr. MCDADE, and Mr. SPENCE.

H.R. 467: Mr. METCALF, Mr. MCNULTY, Mr. MONTGOMERY, Mr. FROST, and Mr. KING.

H.R. 468: Mr. PETRI.

H.R. 482: Mr. ZIMMER.

H.R. 499: Mr. SCARBOROUGH, Mr. STUPAK, Mr. ROYCE, and Mr. MARTINEZ.

H.R. 500: Mr. CHRYSLER, Mrs. CUBIN, and Mr. TAUZIN.

H.R. 593: Mr. GUTKNECHT.

H.R. 605: Mr. PARKER.

H.R. 609: Ms. LOFGREN, Ms. PELOSI, and Mr. TORKILDSEN.

H.R. 612: Mr. GEJDENSON.

H.R. 682: Mr. LIGHTFOOT.

H.R. 747: Mrs. JOHNSON of Connecticut and Mrs. KENNELLY.

H.R. 789: Mr. UPTON, Mr. LAHOOD, and Mr. EMERSON.

H.R. 832: Mr. PACKARD, Mr. WOLF, Mr. BAKER of Louisiana, Mr. ARMEY, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. CHRYSLER, Mr. GUTKNECHT, and Mr. CANADY.

H.R. 863: Mr. JACOBS.

H.R. 866: Mr. MORAN, Mr. LIPINSKI, Mr. CLYBURN, and Mr. BRYANT of Texas.

H.R. 888: Mr. FILNER, Mr. OWENS, Mr. MINETA, Ms. KAPTUR, Mr. BROWN of California, and Mrs. MINK of Hawaii.

H.R. 896: Mr. DEUTSCH, Mr. BARRETT of Wisconsin, Mr. HINCHEY, and Mr. ROMERO-BARCELO.

H.R. 949: Mr. HUTCHINSON and Mr. STEARNS.

H.R. 983: Ms. VELAZQUEZ, Mr. JACOBS, Mr. KLECZKA, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. TORRICELLI, and Mr. MARKEY.

H.R. 991: Mr. JOHNSTON of Florida, Mr. PALLONE, Ms. VELAZQUEZ, and Mr. CONYERS.

H.R. 1066: Mr. WOLF, Mr. HASTERT, Mr. KING, and Mr. WICKER.

H.R. 1076: Mr. MCHUGH, Mr. FORBES, Mr. LIPINSKI, Mr. CREMEANS, Mr. SAXTON, Mr. PARKER, and Mr. GUNDERSON.

H.R. 1077: Mr. ALLARD, Mr. RADANOVICH, Mr. WATTS of Oklahoma, Mr. HERGER, Mr. STUMP, and Mr. EMERSON.

H.R. 1115: Ms. RIVERS and Mr. HOYER.

H.J. Res. 70: Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. MARTINEZ, Mr. EVANS, Mr. WYNN, Mr. JEFFERSON, Mr. WARD, Mr. FRANK of Massachusetts, and Mr. UNDERWOOD.

H. Res. 95: Mr. POSHARD.

¶39.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 481: Mr. CALLAHAN.

WEDNESDAY, MARCH 8, 1995 (40)

The House was called to order by the SPEAKER.

¶40.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, March 7, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶40.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

493. A letter from the Director of Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1994 annual report on the operations of the Office of General Counsel, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Economic and Educational Opportunities.

494. A letter from the President, U.S. Enrichment Corporation, transmitting the Corporation's annual report for fiscal year 1994, pursuant to Public Law 102-486, section 901 (106 Stat. 2929); to the Committee on Commerce.

495. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-23, "Recycling Fee and Illegal Dumping Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

496. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-24, "Litter Control Fine Increase Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

497. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

498. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

499. A letter from the Secretary, Federal Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

500. A letter from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

501. A letter from the President, National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

502. A letter from the Acting Director of Legislative and Public Affairs, National Science Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

503. A letter from the Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

504. A letter from the Director, Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

505. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1993, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

506. A letter from the Administrator, General Services Administration, transmitting informational copies of prospectuses for three U.S. courthouses located in Jacksonville, FL, Albany, GA, and Corpus Christi, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

507. A letter from the Secretary of Energy, transmitting notification that the report on coal research, development, demonstration, and commercial application activities regarding coal-based technologies is expected to be submitted by June 30, 1995; to the Committee on Science.

508. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to reduce costs and make improvements in the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Commerce.

¶40.3 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶40.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 244. An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

¶40.5 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. LIVINGSTON submitted a privileged report (Rept. No. 104-70) on the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making 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.

40.6 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."

It was decided in the affirmative Yeas 252 Nays 173 Answered present 1

40.13 [Roll No. 210] AYES—252

- 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 Burton Condit
Bass Buyer Cooley
Bateman Buyer Cox
Bereuter Callahan Cramer
Bilbray Calvert Crane
Bilirakis Bilirakis Crapo
Bliley Canady Cremeans
Blute Castle Cubin

- Cunningham Davis Johnson (CT)
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)
Gallegly 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 Torquato
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

- Ackerman de la Garza Gutierrez
Andrews DeFazio Hall (OH)
Baesler 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) Kleczka
Chapman Filner Klink
Clay Flake LaFalce
Clement Foglietta Lantos
Clyburn Ford Levin
Coleman Fox Lewis (GA)
Collins (IL) Frank (MA) Lincoln
Collins (MI) Furse Lipinski
Conyers Gejdenson Lofgren
Costello Conyers Luther
Coyne Gonzalez Maloney
Crapo Gordon Manton
Cremeans Danner Green Markey

Martinez	Pelosi	Stupak
Mascara	Peterson (FL)	Tanner
Matsui	Pickett	Taylor (MS)
McCarthy	Pomeroy	Tejeda
McDermott	Poshard	Thompson
McHale	Rahall	Thornton
Meehan	Reed	Thurman
Mfume	Reynolds	Torres
Miller (CA)	Richardson	Torricelli
Mineta	Rivers	Towns
Mink	Rose	Trafficant
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	Trafficant
Hamilton	Morella	Tucker
Hastings (FL)	Murtha	Velazquez
Hefner	Nadler	Visclosky
Hilliard	Neal	Volkmer
Hinchev	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
Armey	Creameans	Hastert
Bachus	Cubin	Hastings (WA)
Baker (CA)	Cunningham	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	Geran	Leach
Chapman	Gilchrest	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
Cooly	Gutknecht	Martini
Cox	Hall (TX)	McCollum
Cramer	Hancock	McCrery

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	Tejeda
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	Waldholtz
Ortiz	Seastrand	Walker
Orton	Sensenbrenner	Walsh
Oxley	Shadegg	Wamp
Packard	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	Hinchev
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
Clyburn	Flake	Kaptur
Coleman	Foglietta	Kennedy (MA)

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—10

- | | | |
|----------|----------|--------|
| Bartlett | Hayes | Neal |
| Bilbray | McDade | Rangel |
| Clay | McKinney | |
| Gibbons | Meek | |

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

40.20 RECORDED VOTE

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

Page 7, beginning on line 19, strike subsection (c) through page 11, line 8, and insert the following:

(C) AWARDS OF FEES AND EXPENSES.—

(1) AUTHORITY TO AWARD FEES AND EXPENSES.—If the court in any private action arising under this title enters a final judgment against a party litigant on the basis of a default, a motion to dismiss, motion for summary judgment, or a trial on the merits, the court shall, upon motion by the prevailing party, determine whether—

(A) The complaint or motion is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims, defenses, and other legal contentions in the complaint or motion, taken as a whole, are unwarranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(C) the allegations and other factual contentions in the complaint or motion, taken as a whole, lack any evidentiary support or would be likely to lack any evidentiary support after a reasonable opportunity for further investigation or discovery; or

(D) the denials of factual contentions are unwarranted on the evidence or are not reasonably based on a lack of information or belief.

(2) AWARD TO PREVAILING PARTY.—If the court determines that the losing party has violated any subparagraph of paragraph (1), the court shall award the prevailing party reasonable fees and other expenses incurred by that party. The determination of whether the losing party violated any such subparagraph shall be made on the basis of the record in the civil action for which fees and other expenses are sought.

(3) APPLICATION FOR FEES.—A party seeking an award of fees and other expenses shall, within 30 days of a final, nonappealable judgment in the action, submit to the court an application for fees and other expenses that verifies that the party is entitled to such an award under paragraph (1) and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed.

(4) SANCTIONS AGAINST ATTORNEY.—The court—

(A) shall award the fees and expenses against the attorney for the losing party unless the court determines that the losing party was principally responsible for the actions described in subparagraph (A), (B), (C), or (D) of paragraph (1); and

(B) may, in its discretion, reduce the amount to be awarded pursuant to this section, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit or

impair the discretion of the court to award costs pursuant to other provisions of law.

(6) DEFINITIONS.—For purposes of this subsection, the term "fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees and expenses. The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of services furnished.

It was decided in the negative Yeas 167 Nays 254 Answered present 1

40.21 [Roll No. 214] AYES—167

- | | | |
|--------------|----------------|---------------|
| Ackerman | Ford | Nadler |
| Baldacci | Fox | Oberstar |
| Barcia | Frost | Obey |
| Barrett (WI) | Furse | Olver |
| Becerra | Gejdenson | Ortiz |
| Beilenson | Gephardt | Owens |
| Bentsen | Gonzalez | Pallone |
| Berman | Gordon | Pastor |
| Bevill | Green | Payne (NJ) |
| Bishop | Gutierrez | Pelosi |
| Bonior | Hall (OH) | Peterson (FL) |
| Borski | Hamilton | Pomeroy |
| Boucher | Hastings (FL) | Poshard |
| Brewster | Hefner | Rahall |
| Browder | Hilliard | Reed |
| Brown (CA) | Hinchee | Reynolds |
| Brown (FL) | Holden | Richardson |
| Brown (OH) | Hoyer | Rivers |
| Bryant (TX) | Jackson-Lee | Rose |
| Buyer | Jacobs | Roybal-Allard |
| Cardin | Johnson, E. B. | Rush |
| Chapman | Johnston | Sabo |
| Clay | Kanjorski | Sanders |
| Clayton | Kaptur | Sawyer |
| Clement | Kennedy (MA) | Schroeder |
| Clyburn | Kennedy (RI) | Schumer |
| Coburn | Kildee | Scott |
| Coleman | King | Serrano |
| Collins (IL) | Kleckza | Skaggs |
| Collins (MI) | Klink | Slaughter |
| Conyers | LaFalce | Spratt |
| Costello | Lantos | Stark |
| Coyne | Levin | Studds |
| Cramer | Lewis (GA) | Stupak |
| de la Garza | Lincoln | Taylor (MS) |
| DeFazio | Lipinski | Tejeda |
| DeLauro | Lofgren | Thompson |
| Dellums | Luther | Thornton |
| Deutsch | Maloney | Thurman |
| Dicks | Manton | Torres |
| Dingell | Markey | Torricelli |
| Dixon | Martinez | Towns |
| Doggett | Mascara | Traficant |
| Doyle | Matsui | Velazquez |
| Duncan | McCarthy | Vento |
| Durbin | McDermott | Visclosky |
| Edwards | McHale | Ward |
| Engel | McNulty | Waters |
| Eshoo | Meehan | Watt (NC) |
| Evans | Menendez | Waxman |
| Fattah | Mfume | Wise |
| Fazio | Miller (CA) | Woolsey |
| Fields (LA) | Mineta | Wyden |
| Filner | Moakley | Wynn |
| Flake | Mollohan | Yates |
| Foglietta | Murtha | |

NOES—254

- | | | |
|--------------|-------------|--------------|
| Abercrombie | Blute | Chenoweth |
| Allard | Boehlert | Christensen |
| Andrews | Boehner | Chrysler |
| Armey | Bonilla | Clinger |
| Bachus | Bono | Coble |
| Baesler | Brownback | Collins (GA) |
| Baker (CA) | Bryant (TN) | Combust |
| Baker (LA) | Bunn | Condit |
| Ballenger | Bunning | Cooley |
| Barr | Burr | Cox |
| Barrett (NE) | Burton | Crane |
| Bartlett | Callahan | Crapo |
| Barton | Calvert | Cremeans |
| Bass | Camp | Cubin |
| Bateman | Canady | Cunningham |
| Bereuter | Castle | Danner |
| Bilirakis | Chabot | Davis |
| Bliley | Chambliss | Deal |

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

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—12

- | | | |
|-----------|----------|-----------|
| Archer | McDade | Rangel |
| Bilbray | McKinney | Seastrand |
| Gibbons | Meek | Stokes |
| Jefferson | Neal | Zimmer |

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. MCINNIS, assumed the Chair.

When Mr. COMBEST, Chairman, pursuant to House Resolution 105, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

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 INFLUENCED AND CORRUPT ORGANIZATIONS 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.

Page 9, line 5, strike “verifies” and insert “certifies”.

Page 11, line 21, and page 13, line 20, strike “any settlement” and insert “any proposed or final settlement”.

Page 12, line 9, insert “per share” after “potential damages”.

Page 14, beginning on line 18, strike “The order shall bar” and all that follows through line 23, and insert the following:

The order shall bar all future claims for contribution arising out of the action—

“(A) by any person against the settling defendant; and

“(B) by the settling defendant against any person older than a person whose liability has been extinguished by the settling defendant’s settlement.

Page 16, line 20, insert “section 10(b) of” after “under”.

Page 17, line 6, insert “to state” after “or omits”.

Page 17, line 25, strike “or sellers” and insert “, sellers, or security holders”.

Page 18, line 2, strike “consciously”.

Page 19, line 25, insert “knowledge and” after “paragraph (1),”.

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.”

Page 26, beginning on line 1, strike section 37 through page 28, line 2, and insert the following:

“SEC. 37. APPLICATION OF SAFE HARBOR FOR FORWARD-LOOKING STATEMENTS.

“(a) SAFE HARBOR IN GENERAL.—In any private action arising under this title based on a fraudulent statement (as defined in section 10A), a person shall not be liable with respect to any forward-looking statement if and to the extent that the statement—

“(1) contains a projection, estimate, or description of future events; and

“(2) refers clearly (or is understood by the recipient to refer) to—

“(A) such projections, estimates, or descriptions as forward-looking statements; and

“(B) the risk that such projections, estimates, or descriptions may not be realized. The safe harbor for forward-looking statements established under this subsection shall be in addition to any safe harbor the Commission may establish by rule or regulation.

“(b) DEFINITION OF FORWARD-LOOKING STATEMENT.—For the purpose of this section, the term ‘forward-looking statement’ shall include (but not be limited to) projections, estimates, and descriptions of future events, whether made orally or in writing, voluntarily or otherwise.

“(c) NO DUTY TO MAKE CONTINUING PROJECTIONS.—In any private action arising under this title, no person shall be deemed to have any obligation to update a forward-looking statement made by such person unless such person has expressly and substantially contemporaneously undertaken to update such statement.

“(d) AUTOMATIC PROCEDURE FOR STAYING DISCOVERY; EXPEDITED PROCEDURE FOR CONSIDERATION OF MOTION ON APPLICABILITY OF SAFE HARBOR.—

“(1) STAY PENDING DECISION ON MOTION.—Upon motion by a defendant to dismiss on the ground that the statement or omission upon which the complaint is based is a forward-looking statement within the meaning of this section and that the safe harbor provisions of this section preclude a claim for relief, the court shall stay discovery until such motion is decided.

“(2) PROTECTIVE ORDERS.—If the court denies a motion to dismiss to which paragraph (1) is applicable, or if no such motion is made and a party makes a motion for a protective order, at any time beginning after the filing of the complaint and ending 10 days after the filing of such party’s answer to the complaint, asserting that the safe harbor provisions of this section apply to the action, a protective order shall issue forthwith to stay all discovery as to any party to whom the safe harbor provisions of this section may apply, except that which is directed to the specific issue of the applicability of the safe harbor. A hearing on the applicability of the safe harbor shall be conducted within 45 days of the issuance of the protective order. At the conclusion of the hearing, the court shall either dismiss the portion of the action based upon the use of the forward-looking information or determine that the safe harbor is unavailable in the circumstances.

“(e) REGULATORY AUTHORITY.—The Commission shall exercise its authority to describe conduct with respect to the making of forward-looking statements that will be deemed not to provide a basis for liability in private actions under this title. Such rules and regulations shall—

“(1) include clear and objective guidance that the Commission finds sufficient for the protection of investors;

“(2) prescribe such guidance with sufficient particularity that compliance shall be readily ascertainable by issuers prior to issuance of securities; and

“(3) provide that forward-looking statements that are in compliance with such guidance and that concern the future economic performance of an issuer of securities registered under section 12 of this title will be deemed not to be in violation of this title. Nothing in this section shall be deemed to limit, either expressly or by implication, the authority of the Commission to exercise similar authority or to adopt similar rules and regulations with respect to forward-looking statements under other statutes under which the Commission exercises rule-making authority.”

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

SEC. 6. FINANCIAL FRAUD DETECTION AND DISCLOSURE.

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended by inserting after section 13 (15 U.S.C. 78m) the following new section:

“SEC. 13A. FRAUD DETECTION AND DISCLOSURE.

“(a) AUDIT REQUIREMENTS.—Each audit required pursuant to this title of an issuer’s financial statements by an independent public accountant shall include, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission, the following:

“(1) procedures designed to provide reasonable assurance of detecting illegal acts that would have a direct and material effect on the determination of financial statement amounts;

“(2) procedures designed to identify related party transactions which are material to the financial statements or otherwise require disclosure therein; and

“(3) an evaluation of whether there is substantial doubt about the issuer’s ability to

continue as a going concern over the ensuing fiscal year.

“(b) REQUIRED RESPONSE TO AUDIT DISCOVERIES.—

“(1) INVESTIGATION AND REPORT TO MANAGEMENT.—If, in the course of conducting any audit pursuant to this title to which subsection (a) applies, the independent public accountant detects or otherwise becomes aware of information indicating that an illegal act (whether or not perceived to have a material effect on the issuer’s financial statements) has or may have occurred, the accountant shall, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

“(A)(i) determine whether it is likely that an illegal act has occurred, and (ii) if so, determine and consider the possible effect of the illegal act on the financial statements of the issuer, including any contingent monetary effects, such as fines, penalties, and damages; and

“(B) as soon as practicable inform the appropriate level of the issuer’s management and assure that the issuer’s audit committee, or the issuer’s board of directors in the absence of such a committee, is adequately informed with respect to illegal acts that have been detected or otherwise come to the attention of such accountant in the course of the audit, unless the illegal act is clearly inconsequential.

“(2) RESPONSE TO FAILURE TO TAKE REMEDIAL ACTION.—If, having first assured itself that the audit committee of the board of directors of the issuer or the board (in the absence of an audit committee) is adequately informed with respect to illegal acts that have been detected or otherwise come to the accountant’s attention in the course of such accountant’s audit, the independent public accountant concludes that—

“(A) any such illegal act has a material effect on the financial statements of the issuer,

“(B) senior management has not taken, and the board of directors has not caused senior management to take, timely and appropriate remedial actions with respect to such illegal act, and

“(C) the failure to take remedial action is reasonably expected to warrant departure from a standard auditor’s report, when made, or warrant resignation from the audit engagement,

the independent public accountant shall, as soon as practicable, directly report its conclusions to the board of directors.

“(3) NOTICE TO COMMISSION; RESPONSE TO FAILURE TO NOTIFY.—An issuer whose board of directors has received a report pursuant to paragraph (2) shall inform the Commission by notice within one business day of receipt of such report and shall furnish the independent public accountant making such report with a copy of the notice furnished the Commission. If the independent public accountant making such report shall fail to receive a copy of such notice within the required one-business-day period, the independent public accountant shall—

“(A) resign from the engagement; or

“(B) furnish to the Commission a copy of its report (or the documentation of any oral report given) within the next business day following such failure to receive notice.

“(4) REPORT AFTER RESIGNATION.—An independent public accountant electing resignation shall, within the one business day following a failure by an issuer to notify the Commission under paragraph (3), furnish to the Commission a copy of the accountant’s report (or the documentation of any oral report given).

“(c) AUDITOR LIABILITY LIMITATION.—No independent public accountant shall be lia-

ble in a private action for any finding, conclusion, or statement expressed in a report made pursuant to paragraph (3) or (4) of subsection (b), including any rules promulgated pursuant thereto.

“(d) CIVIL PENALTIES IN CEASE-AND-DESIST PROCEEDINGS.—If the Commission finds, after notice and opportunity for hearing in a proceeding instituted pursuant to section 21C of this title, that an independent public accountant has willfully violated paragraph (3) or (4) of subsection (b) of this section, then the Commission may, in addition to entering an order under section 21C, impose a civil penalty against the independent public accountant and any other person that the Commission finds was a cause of such violation. The determination whether to impose a civil penalty, and the amount of any such penalty, shall be governed by the standards set forth in section 21B of this title.

“(e) PRESERVATION OF EXISTING AUTHORITY.—Except for subsection (d), nothing in this section limits or otherwise affects the authority of the Commission under this title.

“(f) DEFINITIONS.—As used in this section, the term ‘illegal act’ means any action or omission to act that violates any law, or any rule or regulation having the force of law.”.

“(b) EFFECTIVE DATES.—As to any registrant that is required to file selected quarterly financial data pursuant to item 302(a) of Regulation S-K (17 CFR 229.302(a)) of the Securities and Exchange Commission, the amendments made by subsection (a) of this section shall apply to any annual report for any period beginning on or after January 1, 1996. As to any other registrant, such amendment shall apply for any period beginning on or after January 1, 1997.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MARKEY moved to recommit the bill to the Committee on Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 7, beginning on line 19, strike subsection (c) through page 11, line 8, and insert the following:

“(c) AWARD OF FEES AND EXPENSES.—

“(1) AUTHORITY TO AWARD FEES AND EXPENSES.—If the court in any private action arising under this title enters a final judgment against a party litigant on the basis of a default, a motion to dismiss, motion for summary judgment, or a trial on the merits, the court shall, upon motion by the prevailing party, determine whether—

“(A) the compliant or motion is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

“(B) the claims, defenses, and other legal contentions in the complaint or motion, taken as a whole, are unwarranted by existing law of by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

“(C) the allegations and other factual contentions in the complaint or motion, taken as a whole, lack any evidentiary support or would be likely to lack any evidentiary support after a reasonable opportunity for further investigation or discovery; or

“(D) the denials of factual contentions are unwarranted on the evidence or are not reasonably based on a lack of information or belief.

“(2) AWARD TO PREVAILING PARTY.—If the court determines that the losing party has violated any subparagraph (1), the court shall award the prevailing party reasonable fees and other expenses incurred by that

party. The determination of whether the losing party violated any such subparagraph shall be made on the basis of the record in the civil action for which fees and other expenses are sought.

“(3) APPLICATION FOR FEES.—A party seeking an award of fees and other expenses shall, within 30 days of a final, non appealable judgment in the action submit to the court an application for fees and other expenses that verifies that the party is entitled to such an award under paragraph (1) and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed.

“(4) SANCTIONS AGAINST ATTORNEY.—The court—

“(A) shall award the fees and expenses against the attorney for the losing party unless the court determines that the losing party was principally responsible for the actions described in subparagraph (A), (B), (C), or (D) of paragraph (1); and

“(B) may, in its discretion, reduce the amount to be awarded pursuant to this section, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit or impair the discretion of the court to award costs pursuant to other provisions of law.

“(6) DEFINITIONS.—For purpose of this subsection, the term ‘fees and other expenses’ includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, report, test, or project which is found by the court to be necessary for the preparation of the party’s case, and reasonable attorney fees and expenses. The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of services furnished.

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.”.

After debate,

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. MCINNIS, announced that the nays had it.

Mr. MARKEY demanded a recorded vote on agreeing to said motion, 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 negative Yeas 172 Nays 251 Answered present 1

¶40.22 [Roll No. 215] AYES—172

Abercrombie Becerra Bishop Ackerman Bellenson Bonior Andrews Bentsen Borski Baldacci Berman Boucher Barrett (WI) Bevil Browder

Brown (CA) Hastings (FL) Owens Brown (FL) Hilliard Pallone Brown (OH) Hinchey Pastor Bryant (TX) Holden Payne (NJ) Cardin Hoyer Pelosi Chapman Jackson-Lee Peterson (FL) Clay Jacobs Pomeroy Clayton Jefferson Poshard Clement Johnson (SD) Rahall Clyburn Johnson, E. B. Reed Coleman Kanjorski Reynolds Collins (IL) Kaptur Rivers Collins (MI) Kennedy (MA) Roemer Conyers Kennedy (RI) Roybal-Allard Costello Kennelly Rush Coyne Kildee Sabo Cramer King Sanders de la Garza Kleczka Sawyer DeFazio Klink Schroeder DeLauro LaFalce Schumer Dellums Lantos Scott Deutsch Laughlin Serrano Dicks Levin Skaggs Dingell Lewis (GA) Spratt Dixon Lincoln Stark Doggett Lipinski Stokes Dooley Lofgren Studds Doyle Luther Stupak Duncan Maloney Tanner Durbin Manton Taylor (MS) Edwards Markey Tejeda Engel Martinez Thompson Eshoo Mascara Thornton Evans Matsui Thurman Fattah McCarthy Torres Fazio McDermott Torricelli Fields (LA) McHale Towns Filner McNulty Trafficant Flake Meehan Tucker Foglietta Menendez Vento Ford Mfume Visclosky Frank (MA) Miller (CA) Volkmer Frost Mineta Waters Furse Mink Watt (NC) Gejdenson Moakley Waxman Gephardt Mollohan Williams Gonzalez Moran Wise Gordon Murtha Woolsey Green Nadler Wyden Gutierrez Oberstar Wynn Hall (OH) Obey Yates Hall (TX) Olver Hall (TX) Ortiz Hamilton

NOES—251

Allard Combest Gilman Archer Condit Goodlatte Army Cooley Goodling Bachus Cox Goss Baesler Crane Graham Baker (CA) Crapo Greenwood Baker (LA) Cremeans Gunderson Ballenger Cubin Gutknecht Barcia Cunningham Hancock Barr Danner Hansen Barrett (NE) Davis Harman Bartlett Deal Hastert Barton DeLay Hastings (WA) Bass Diaz-Balart Hayes Bateman Dickey Hayworth Bereuter Doolittle Hefley Bilirakis Dornan Hefner Bliley Dreier Heineman Blute Dunn Herger Boehlert Ehlers Hilleary Boehner Ehrlich Hobson Bonilla Emerson Hoekstra Bono English Horn Brewster Ensign Hostettler Brownback Everett Houghton Bryant (TN) Ewing Hunter Bunn Farr Hutchinson Bunning Fawell Hyde Burr Fields (TX) Inglis Burton Flanagan Istook Buyer Foley Johnson (CT) Callahan Forbes Johnson, Sam Calvert Fowler Jones Camp Fox Kasich Canady Franks (CT) Kelly Castle Franks (NJ) Kim Chabot Frelinghuysen Kingston Chambliss Frisa Klug Chenoweth Funderburk Knollenberg Christensen Gallegly Kolbe Chrysler Ganske LaHood Clinger Gekas Largent Coble Geren Latham Coburn Gilchrist LaTourette Collins (GA) Gillmor Lazio

Leach Peterson (MN) Smith (NJ)
 Lewis (CA) Petri Smith (TX)
 Lewis (KY) Pickett Smith (WA)
 Lightfoot Pombo Solomon
 Linder Porter Souder
 Livingston Portman Spence
 LoBiondo Pryce Stearns
 Longley Quillen Stenholm
 Lucas Quinn Stockman
 Manzullo Radanovich Stump
 Martini Ramstad Talent
 McCollum Regula Tate
 McCrery Richardson Tausin
 McHugh Riggs Taylor (NC)
 McInnis Roberts Thomas
 McIntosh Rogers Thornberry
 McKeon Rohrabacher Tiahrt
 Metcalf Ros-Lehtinen Torkildsen
 Meyers Rose Upton
 Mica Roth Vucanovich
 Miller (FL) Roukema Waldholtz
 Minge Royce Walker
 Molinari Salmon Walsh
 Montgomery Sanford Wamp
 Moorhead Saxton Ward
 Morella Scarborough Watts (OK)
 Myers Schaefer Weldon (FL)
 Myrick Schiff Weldon (PA)
 Nethercutt Seastrand Weller
 Neumann Sensenbrenner White
 Ney Shadegg Whitfield
 Norwood Shaw Wicker
 Nussle Shays Wilson
 Orton Shuster Wolf
 Oxley Sisisky Young (AK)
 Packard Skeen Young (FL)
 Parker Skelton Zeliff
 Paxon Slaughter Zimmer
 Payne (VA) Smith (MI)

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—10

Bilbray McDade Rangel
 Gibbons McKinney Velazquez
 Hoke Meek
 Johnston Neal

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. MCINNIS, announced that the yeas had it.

Mr. MARKEY 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 affirmative
 Yeas 325
 Nays 99
 Answered present 1

40.23 [Roll No. 216] AYES—325

Ackerman Blute Christensen
 Allard Boehlert Chrysler
 Andrews Boehner Clement
 Archer Bonilla Clinger
 Armye Bono Coble
 Bachus Brewster Coburn
 Baesler Browder Collins (GA)
 Baker (CA) Brown (OH) Combust
 Baker (LA) Brownback Condit
 Baldacci Bryant (TN) Cooley
 Ballenger Bunn Cox
 Barcia Bunning Cramer
 Barr Burr Crane
 Barrett (NE) Burton Crapo
 Barrett (WI) Buyer Cremeans
 Bartlett Callahan Cubin
 Barton Calvert Cunningham
 Bass Camp Danner
 Bateman Canady Davis
 Bentsen Cardin de la Garza
 Bereuter Castle Deal
 Bevil Chabot DeLauro
 Bilirakis Chambliss DeLay
 Bishop Chapman Deutsch
 Bliley Chenoweth Diaz-Balart

Dooley Kasich Riggs
 Doolittle Kelly Roberts
 Dornan Kennedy (RI) Roemer
 Doyle Kennelly Rogers
 Dreier Kim Rohrabacher
 Duncan King Ros-Lehtinen
 Dunn Kingstone Rose
 Edwards Kleczka Roth
 Ehlers Klug Roukema
 Ehrlich Knollenberg Royce
 Emerson Kolbe Rush
 English LaHood Sabo
 Ensign Largent Salmon
 Eshoo Latham Sanford
 Everrett LaTourrette Sawyer
 Ewing Laughlin Saxton
 Farr Lazio Scarborough
 Fawell Leach Schaefer
 Fazio Lewis (CA) Schiff
 Fields (LA) Lewis (KY) Schroeder
 Fields (TX) Lightfoot Schumer
 Flanagan Lincoln Seastrand
 Foley Linder Sensenbrenner
 Forbes Lipinski Shadegg
 Fowler Livingston Shaw
 Fox LoBiondo Shays
 Frank (MA) Lofgren Shuster
 Franks (CT) Longley Sisisky
 Franks (NJ) Lucas Skaggs
 Frelinghuysen Maloney Skeen
 Frisa Manzullo Skelton
 Frost Martin Slaughter
 McCarthy McCarthy Smith (MI)
 McCollum Smith (NJ)
 McCrery Smith (TX)
 McHale Smith (WA)
 McHugh Solomon
 McInnis Souder
 McIntosh Spence
 McKeon Spratt
 McNulty Stearns
 Meehan Stenholm
 Menendez Stockman
 Metcalf Stump
 Meyers Talent
 Mica Tanner
 Miller (FL) Tate
 Mineta Tausin
 Minge Taylor (NC)
 Molinari Tejada
 Montgomery Thomas
 Moran Thornberry
 Morella Thornton
 Myers Tiahrt
 Myrick Torkildsen
 Nethercutt Torricelli
 Neumann Towns
 Ney Traficant
 Norwood Upton
 Nussle Vento
 Oberstar Visclosky
 Olver Volkmer
 Ortiz Vucanovich
 Orton Waldholtz
 Oxley Walker
 Packard Walsh
 Pallone Wamp
 Parker Ward
 Paxon Watts (OK)
 Payne (VA) Weldon (FL)
 Peterson (FL) Weldon (PA)
 Peterson (MN) Weller
 Petri White
 Pickett Whitfield
 Pombo Wicker
 Porter Wilson
 Portman Wolf
 Pryce Wyden
 Quillen Young (AK)
 Quinn Young (FL)
 Radanovich Zeliff
 Ramstad Zimmer
 Regula
 Richardson

NOES—99

Abercrombie Collins (MI) Filner
 Becerra Conyers Flake
 Beilenson Costello Foglietta
 Berman Coyne Ford
 Bonior DeFazio Gephardt
 Borski Dellums Gonzalez
 Boucher Dicks Gutierrez
 Brown (CA) Dingell Hall (OH)
 Brown (FL) Dixon Hastings (FL)
 Bryant (TX) Doggett Hilliard
 Clay Durbin Hinchey
 Clayton Engel Jacobs
 Clyburn Evans Jefferson
 Collins (IL) Fattah Johnson (SD)

Johnston Mink Serrano
 Kanjorski Moakley Stark
 Kaptur Mollohan Stokes
 Kennedy (MA) Murtha Studds
 Kildee Nadler Stupak
 Klink Obey Taylor (MS)
 LaFalce Owens Thompson
 Lantos Pastor Thurman
 Levin Payne (NJ) Torres
 Lewis (GA) Pelosi Tucker
 Luther Pomeroy Velazquez
 Manton Poshard Waters
 Markey Rahall Watt (NC)
 Martinez Reed Waxman
 Mascara Reynolds Williams
 Matsui Rivers Wise
 McDermott Roybal-Allard Woolsey
 Mfume Sanders Wynn
 Miller (CA) Scott Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—10

Bilbray McDade Neal
 Coleman McKinney Rangel
 Dickey Meek
 Gibbons Moorhead

So the bill was passed.

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

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

40.24 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. FIELDS of Texas, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

40.25 PROVIDING FOR THE CONSIDERATION OF H.R. 956

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 108):

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. 956) to establish legal standards and procedures for produce liability 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 two hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on the Judiciary and the Committee on Commerce. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

When said resolution was considered.

After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

40.26 PROVIDING FOR THE CONSIDERATION OF H.R. 956

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 104-72) the resolution (H. Res. 109) providing for the further consideration

of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.27 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. OXLEY, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Thursday, March 9, 1995: the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

¶40.28 PRODUCT LIABILITY LITIGATION

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 108 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. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

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

The SPEAKER pro tempore, Mr. DICKEY, assumed the Chair.

When Mr. DREIER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶40.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. UNDERWOOD, for today and balance of the week; and

To Mr. BILBRAY, for today after 3:30 p.m.

And then,

¶40.30 ADJOURNMENT

On motion of Mr. HAYWORTH, at 11 o'clock and 5 minutes p.m., the House adjourned.

¶40.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations, H.R. 1158. A bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 104-70). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations, H.R. 1159. A bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 104-71). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules, House Resolution 109. Resolution providing for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes (Rept. No. 104-72). Referred to the House Calendar.

¶40.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 1157. A bill to restore families, promote work, protect endangered children, increase personal responsibility, attack welfare dependency, reduce welfare fraud, and improve child support collections; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, Commerce, the Judiciary, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.R. 1158. A bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; to the Committee of the Whole House on the State of the Union.

H.R. 1159. A bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes; to the Committee of the Whole House on the State of the Union.

By Mr. BROWDER:

H.R. 1160. A bill to amend the Internal Revenue Code of 1986 to provide that new income tax deductions, credits, exclusions, and other benefits shall be allowed only if the projected Federal budget deficit meets certain deficit targets; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. McDERMOTT):

H.R. 1161. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from unrelated business taxable income for certain sponsorship payments; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Ms. HARMAN, Mr. HASTERT, Mr. SCHUMER, Mrs. MORELLA, Mr. BREWSTER, Mr. SHAYS, Mr. EDWARDS, Mr. INGLIS of South Carolina, Mr. STENHOLM, Mr. KASICH, Ms. MOLINARI, Ms. DUNN of Washington, Mr. ACKERMAN, Mr. FROST, Mr. KLUG, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. MEEHAN, Mr. MINGE, Mr. POSHARD, Mr. HANCOCK, Mr. LIPINSKI, Mr. ORTON, Ms. ESHOO, Mr. CASTLE, Mrs. LINCOLN, Mr. GREENWOOD, Mr. BURTON of Indiana, Mrs. WALDHOLTZ, Mr. BEREUTER, Mr. BARRETT of Wisconsin, Mr. BUYER, Mr. BROWDER, Mr. BURR, Mr. DEAL of Georgia, Mr. NEUMANN, and Mr. BROWN of Ohio):

H.R. 1162. A bill to establish a deficit reduction trust fund and provide for the downward adjustment of discretionary spending limits in appropriation bills; to the Committee on the Budget and in addition, to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 1163. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; to the Committee on Resources.

H.R. 1164. A bill to direct the Secretary of Transportation to convey to the Montauk Historical Society light station located at Montauk, NY; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself and Mr. BOUCHER):

H.R. 1165. A bill to amend the Appalachian Regional Development Act of 1965 to include Montgomery, Roanoke, and Rockbridge Counties, VA, as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Ms. LOWEY (for herself and Mr. WYDEN):

H.R. 1166. A bill to require the Secretary of Health and Human Services to develop recommendations for proposed model adoption legislation and procedures; to the Committee on Economic and Educational Opportunities.

H.R. 1167. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain adoption expenses; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 1168. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to employers who employ members of the Reserve components of the Armed Forces of the United States and to self-employed individuals who are members of such Reserve components; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 1169. A bill to amend the Truth in Lending Act to prohibit issuers of credit cards from limiting the ability of Federal, State, and local government agencies to impose fees for honoring credit cards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BONO (for himself, Mr. HYDE, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. COBLE, Mr. GEKAS, Mr. CANADY, Mr. GOODLATTE, Mr. HOKE, Mr. COX, Mr. MCCOLLUM, Mr. DREIER, Mr. PAXON, Mr. RIGGS, Mr. LEWIS of California, Mr. ROHR-ABACHER, Mr. SCHIFF, Mr. CALVERT, Mr. PACKARD, Mr. SMITH of Texas, Mr. BAKER of California, Mr. HERGER, Mr. HUNTER, Mr. DORNAN, Mr. THOMAS, Mr. HEINEMAN, Mr. CUNNINGHAM, Mr. POMBO, Mr. INGLIS of South Carolina, Mr. McKEON, Mr. DOOLITTLE, Mr. KIM, Mr. BUYER, Mr. ROYCE, Mr. FLANAGAN, Mr. BARR, Mr. HORN, Mr. BRYANT of Tennessee, Mr. BILBRAY, Mr. CHABOT, Mr. RADANOVICH, and Mrs. SEASTRAND):

H.R. 1170. A bill to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. RANGEL, Mr. CRANE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMAS, Mr. HANCOCK, Mr. NEAL of Massachusetts, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON, and Mr. HERGER):

H.R. 1171. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. GILMAN, Mr. BONIOR, Mr. MARKEY, Ms. MOLINARI,

Mr. WOLF, Mr. ROYCE, Mr. CARDIN, Mr. TORRICELLI, Mr. ROHRBACHER, Mr. MORAN, Mr. WYNN, Ms. DELAURO, Mr. ENGEL, Mr. GALLEGLY, and Mr. MENENDEZ):

H.R. 1172. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on International Relations.

By Mr. STUMP (for himself, Mr. ROBERTS, Mr. CALLAHAN, Mr. BACHUS, and Mr. EVERETT):

H.R. 1173. A bill to prohibit the expenditure of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Transportation and Infrastructure.

By Mr. UPTON:

H.R. 1174. A bill to provide additional flexibility for the Department of Energy's program for the disposal of spent nuclear fuel and high level radioactive waste, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 1175. A bill to amend Public Law 89-454 to provide for the reauthorization of appropriations; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. FAWELL, Mr. BALLENGER, Mr. HOEKSTRA, Mr. CUNNINGHAM, Mr. MCKEON, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARRETT of Nebraska, Mr. CASTLE, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. WELDON of Florida, Mr. FUNDERBURK, Mr. SOUDER, Mr. NORWOOD, Mr. BOEHNER, Mr. STENHOLM, Mr. DOOLEY, Mr. PARKER, Mr. DEAL of Georgia, Mr. BREWSTER, Mr. HANCOCK, Mr. ZELIFF, Mr. ROHRBACHER, and Mr. EWING):

H.R. 1176. A bill to nullify an executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees; to the Committee on Economic and Educational Opportunities.

By Mr. HILLEARY (for himself, Mr. NETHERCUTT, Mrs. MYRICK, Mr. MCINTOSH, Mr. BRYANT of Tennessee, Mr. GRAHAM, Mr. ROYCE, Mr. LA TOURETTE, Mr. KINGSTON, Mr. WAMP, Mr. TATE, Mr. SALMON, Mr. WELLER, Mrs. WALDHOLTZ, Mr. LATHAM, Mr. CHRISTENSEN, Mr. NORWOOD, Mr. BROWNBACK, Mr. BASS, Mr. NEUMANN, Mrs. SMITH of Washington, Mr. THORNBERRY, Mr. LARGENT, Mr. COBURN, Mr. TIAHRT, Mr. HUTCHINSON, Mr. STOCKMAN, Mr. PAXON, Mr. DICKEY, Mr. KLUG, and Mr. PETERSON of Minnesota):

H.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of office of Senators and Representatives; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. HOKE, Mr. WAMP, and Mr. FOLEY):

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of Senators and Representatives; to the Committee on the Judiciary.

By Mr. GILCHREST:

H. Con. Res. 34. Concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus anniversary commemoration; to the Committee on Transportation and Infrastructure.

¶40.33 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. BARTLETT of Maryland introduced a bill (H.R. 1177) for the relief of Debra Bargeski; which was referred to the Committee on the Judiciary.

¶40.34 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 24: Mr. BUNN of Oregon.
- H.R. 78: Mr. BURR and Mr. MCKEON.
- H.R. 104: Ms. MOLINARI.
- H.R. 110: Mr. SERRANO.
- H.R. 120: Mr. PARKER.
- H.R. 123: Mr. DEAL of Georgia, Mr. CRANE, Mr. COOLEY, Mr. GRAHAM, Mr. SOUDER, Mr. SANFORD, Mr. GEKAS, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. ALLARD, and Mr. STOCKMAN.
- H.R. 240: Mr. STEARNS and Mr. SMITH of New Jersey.
- H.R. 373: Mr. TAYLOR of Mississippi.
- H.R. 375: Mr. TAYLOR of Mississippi.
- H.R. 394: Mr. RAHALL, Mrs. LINCOLN, Mr. CALVERT, Ms. Lowey, Mrs. SMITH of Washington, Mr. GEJDESON, Ms. FURSE, Mr. HALL of Texas, Mr. WILSON, Mr. KING, and Mr. LIVINGSTON.
- H.R. 398: Mr. FATTAH.
- H.R. 470: Mr. SCHUMER, Mrs. ROUKEMA, Mr. NADLER, and Mr. TORRICELLI.
- H.R. 580: Mr. DAVIS and Mr. WATTS of Oklahoma.
- H.R. 612: Mr. SERRANO.
- H.R. 645: Mr. BENTSEN and Ms. JACKSON-LEE.
- H.R. 658: Ms. SLAUGHTER.
- H.R. 662: Mr. FILNER, Mr. PARKER, Mr. FRANKS of Connecticut, and Mr. BURTON of Indiana.
- H.R. 699: Mr. STENHOLM and Mr. LARGENT.
- H.R. 709: Mr. PARKER, Mr. FATTAH, Mr. HINCHEY, and Mr. SERRANO.
- H.R. 739: Mrs. CHENOWETH, Mr. LAHOOD, Mr. BAKER of California, and Mr. LIVINGSTON.
- H.R. 759: Mr. LIVINGSTON, Ms. MOLINARI, and Mr. EHLERS.
- H.R. 789: Mr. CHRISTENSEN.
- H.R. 791: Mr. FORBES, Mr. KINGSTON, Mr. SKEEN, Mr. BILBRAY, and Mr. PARKER.
- H.R. 793: Mr. CLINGER.
- H.R. 839: Mr. FORBES.
- H.R. 860: Mr. WICKER and Mr. HANCOCK.
- H.R. 873: Ms. DELAURO, Ms. LOWEY, Mr. GANSKE, and Ms. SLAUGHTER.
- H.R. 882: Mr. MCDERMOTT, Ms. ESHOO, Ms. SLAUGHTER, Ms. PELOSI, Ms. HARMAN, Ms. RIVERS, Mr. WALSH, and Ms. FURSE.
- H.R. 930: Mr. ORTON.
- H.R. 941: Mr. WAXMAN, Mr. OBERSTAR, Mr. MARTINEZ, Mr. BONIOR, Mr. CALVERT, Mr. HINCHEY, Ms. FURSE, Mr. FOGLIETTA, and Mr. SERRANO.
- H.R. 958: Mr. BONIOR, Ms. LOFGREN, Mr. WYNN, Mr. FALEOMAVAEGA, Mrs. THURMAN, Mr. SCOTT, and Ms. WOOLSEY.
- H.R. 995: Mr. CUNNINGHAM, Mr. WELLER, Mr. MCHUGH, and Mr. CALVERT.
- H.R. 996: Mr. CUNNINGHAM, Mr. WELLER, Mr. MCHUGH, and Mr. CALVERT.
- H.R. 1021: Mr. CANADY.
- H.R. 1023: Mr. TOWNS and Mr. CAMP.
- H.R. 1058: Mr. BREWSTER.
- H.R. 1077: Mr. SKEEN and Mr. CREMEANS.
- H.R. 1085: Mr. WALSH and Mr. LOBIONDO.
- H.R. 1094: Mr. MINGE.
- H.R. 1111: Mr. TIAHRT.
- H.R. 1114: Mr. SISISKY.
- H.R. 1138: Ms. DUNN of Washington.
- H.R. 1145: Mr. ENGLISH of Pennsylvania, Mr. INGLIS of South Carolina, Mr. BERUTER, Mr. TOWNS, Mr. KING, Mr. SMITH of Texas, Mr. FROST, Mr. LAHOOD, Mr. CANADY, Mr. MCHUGH, Mr. FRANK of Massachusetts, Mr. HEINEMAN, Mr. BRYANT of Tennessee, and Mr. LIVINGSTON.
- H.J. Res. 61: Mr. KING.
- H.J. Res. 72: Mr. BUNN of Oregon.

H. Con. Res. 12: Mr. LAZIO of New York, Mr. HYDE, Mr. CLYBURN, Mr. KNOLLENBERG, and Mr. MICA.

H. Con. Res. 23: Ms. FURSE, Mr. FAZIO of California, Mr. GUTKNECHT, Mr. FATTAH, Mr. LAUGHLIN, Mr. GILMAN, Ms. RIVERS, Ms. DUNN of Washington, Mr. METCALF, Mr. VOLKMER, Mr. KING, Mr. SERRANO, Mr. GILLMOR, and Mr. SPENCE.

H. Res. 59: Mr. PALLONE, Mr. DURBIN, Mrs. MINK of Hawaii, Mr. BEVILL, Mr. TORRICELLI, Mr. PICKETT, Mr. FROST, Mr. UNDERWOOD, Ms. RIVERS, Mr. GENE GREEN of Texas, Mr. LIPINSKI, Mr. MILLER of California, Mr. ROMERO-BARCELO, Mr. VENTO, Mr. COLEMAN, Mr. FILNER, Mr. JOHNSON of South Dakota, Mr. TORKILDSEN, Mr. EVANS, and Mr. MCDERMOTT.

H. Res. 98: Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. VELAZQUEZ, Mr. MFUME, Mr. GORDON, Mr. ROSE, Mr. CLYBURN, and Mr. BARRETT of Wisconsin.

H. Res. 99: Mr. KANJORSKI.

¶40.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 56: Mr. WELLER, Mr. FUNDERBURK, Mr. MINGE, Mr. HOLDEN, Mr. CRAPO, Mr. KNOLLENBERG, Mr. MCDADE, Mr. BRYANT of Tennessee, Mr. BASS, Mrs. WALDHOLTZ, and Mr. OXLEY.

THURSDAY, MARCH 9, 1995 (41)

The House was called to order by the SPEAKER.

¶41.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 8, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶41.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

509. A communication from the President of the United States, transmitting the fifth monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

510. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4); to the Committee on International Relations.

511. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

512. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to reprogram certain fiscal year 1995 funds made available to monitor the cease-fire between Ecuador and Peru, pursuant to Public Law 103-306, section 515; to the Committee on International Relations.

513. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Operations of the Office of the Campaign Finance," pursuant to D.C. Code, section 47-117(d); to the Committee on Government reform and Oversight.