Mr. Speaker, much of what the gentleman from Wisconsin has said, I have to agree with. I think we could wrap up our business very rapidly, but for other reasons, we are not. I would say we are making progress. We are not sitting around doing nothing. The fact is we expect that today, for example, the Interior bill will be resolved and filed with the House, and the Labor-Health bill by the end of the week will, for all intents and purposes, be finalized and be ready for House action next week.

But in addition to appropriations matters, let me say that the Congress still has yet to complete action on the ISTEA legislation, which deals with funding of transportation projects. That will have to be done between now and the time that we adjourn, and a matter of great importance to the President, if not to the other side of the aisle, is this whole matter of fast track, which deals with the authorization of the President to negotiate trade deals with our Latin American friends and allies.

The President has said that it is very important to him and to the future of the country, and I tend to agree with him. However, if you do a nose count at this point, the fact is that the President has been very unpersuasive with his Members of his own party. Very few Members of the Democrat Party as of this moment seem to support that fast-track legislation, and it would fall on the shoulders of the Republicans to pass the legislation, which, frankly, puts us in an awkward position, because some of our Members do not favor it. And the last thing in the world that would be good for this country, and, in fact, for this administration, is if the matter were brought up to the floor and had an insufficient number of votes to pass.

So I expect that the President, if he is listening or if he reads the proceedings of debate on this resolution, should get busy and start calling Members of his own party to encourage them to support an initiative which he has advocated and proposed and backed for the last couple of years.

That is an important piece of legislation, and that must be tackled before we leave. If we do not have the votes, however, it will not be.

With that, Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a small point, but I would ask the gentleman when he refers to my party to refer to it as the Democratic Party. That is, in fact, the name of our party. We do not call the Republican Party the ''Republic Party.'' It has been a practice of some Members of the Republican Party for a generation to call us the ''Democrat Party,'' but, in fact, it is the Democratic Party, and I would appreciate it if they would remember that.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, having grown up in Louisiana where the Democratic Party was of paramount significance throughout my entire life, I would only say that was what I was taught by my friends, neighbors, peers, allies, and Democratic friends. So that is why I used the term ''Democrat.''

Mr. OBEY. Mr. Speaker, reclaiming my time, the name of the party is ''Democratic.''

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, first I want to rise in support of the continuing resolution and to congratulate both the Chair and the ranking member of the committee for the extraordinary work they do on this whole process. If everything went as they wanted, I think we would be moving through this whole process quite quickly.

But I took this time and came to the floor after listening to some really flagrant misrepresentations about one aspect of the continuing resolution and of the appropriations process, and that is the question of the extension of section 245(I).

I have heard it discussed as an amnesty provision and stay of deportation provision. Section 245(I) has nothing to do with that.

Section 245(I) of the law, in the immigration law, is only available to people who are already eligible to become permanent residents. It is not an amnesty, it only applies to people who, under our legal immigration system, are now eligible at the particular time to adjust status.

The only issue it deals with is where they can adjust status, whether they can adjust status in this country or whether they have to go back to their home country, take the airline, pay the airline, go into our consular office at our embassy or one of the Consulates in the foreign country, go in that morning, show their papers, pick up their visa, and in many cases on the very next flight.

What we did back 3 or 4 years ago is say this is crazy. We are pushing a great deal of resources into our beleaguered embassies abroad for work that is not particularly relevant to anything in our national interests. We are giving money to the airlines. Let us raise the fees for that adjustment.

Let the agency that is most equipped to deal with it, the Immigration and Naturalization Service, deal with it, in-country, for those people who are eligible. It simply permits these people who are eligible, who are in line, whose time has come, to adjust to legal status in this country as a permanent resident, to do that in the United States.

It does not give illegal immigrants the right to live in the United States. It is not a defense to an action for deportation. It is not a stay of deportation. It is not an American necessity. It does not declare as legal people who have come here illegally. It does not change the order in which a person's claim is adjudicated.

There is one single worldwide line for everyone who is waiting for their immigrant visa. There are category limits, there are country limits, and only when that person's number comes up and that person's time in line, he gets to the front of the line, can he then adjust his status.

Mr. Speaker, we produce now $200 million a year in revenue, essentially by processing the people in-country rather than giving even greater amounts of that money to the airlines and costing our State Department far more to process them overseas. This frees up our consular officials to do the key work of screening applicants for visas in those countries, looking for terrorists, looking for people with criminal backgrounds, ensuring they do not come into this country. It has them doing the work we should be wanting them to do, not simply processing the paperwork for people whose turn has come through the legal immigration system.

It is for that reason that an incredible array of organizations, almost every major business organization in the country, wants to do this. This is the most expeditious and sensible fashion for processing legal immigrants.

So, I just hope as the appropriators go to a decision on the Commerce-State-Justice bill, as we deal with this continuing resolution, that all of the scare tactics about amnesty and stays of deportation are seen for what they are. They are an effort to cloud the real issue in the 245(I) debate.

Section 245(I) produces $200 million a year by allowing people whose time has come to adjust status through the legal immigration system to adjust in the United States. Eighty percent of that money goes for enforcement of our borders and to keep illegal immigrants from entering the United States, and it makes a tremendous amount of sense from every point of view and from every type of analysis. I urge its adoption.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 269, the previous question is ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1534, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 271 and ask for its immediate consideration.

The Clerk read the resolution, as follows.

H. RES. 271

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. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except a further amendment in the nature of a substitute offered by Representative Conyers of Michigan or his designee, which shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If that further amendment is rejected or not offered, then no other amendment shall be in order except the amendment printed in part 2 of the report of the Committee on Rules, which may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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 with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 271 is a modified closed rule providing for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on the Judiciary, and waiving points of order against consideration of the bill for the failure to comply with clause 2(L)(6), relating to the 3-day availability of committee reports.

Additionally, House Resolution 271 makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by the amendments printed in part 1 of the Committee on Rules report. Moreover, the rule provides that the committee amendment in the nature of a substitute shall be considered as read.

Additionally, House Resolution 271 provides for an amendment in the nature of a substitute, if offered by the gentleman from Michigan [Mr. CONYERS] or his designee. The rule provides that this amendment, if offered, shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the proponent and opponent, and shall not be subject to amendment. If the gentleman from Michigan [Mr. CONYERS] or his designee does not offer the amendment or if the amendment is rejected, no other amendment shall be in order except the amendment offered by the gentleman from New York [Mr. BOEHLERT], which shall be considered as read, shall be debated for 30 minutes, equally divided between the proponent and opponent of the amendment.

□ 1115

Likewise, this amendment shall not be subject to amendment.

Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions. House Resolution 271 was reported out of the Committee on Rules by voice vote.

Mr. Speaker, House Resolution 1534, the Private Property Rights Implementation Act of 1997, is an attempt to address procedural hurdles which currently prevent property owners claiming a violation of the fifth amendment's takings clause from having fair and equal access to Federal court. H.R. 1534 attempts to remedy this situation by defining when a final agency decision takes place and prohibiting Federal judges from invoking the abstention doctrine to avoid cases that revolve on the fifth amendment takings claims. I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1534, the Private Property Rights Implementation Act of 1997. This important legislation seeks to provide a clear end to the process of resolving land use disputes which, under the current administrative and judicial system, can drag on for years.

While this legislation seeks to give property owners their day in court, it does not change the statutory underpinnings that define takings, it does not change environmental laws, and it does not mandate compensation. What it does do, Mr. Speaker, is to provide a much more expeditious remedy to land use and property rights disputes arising from Federal statutes and constitutional law.

In spite of my support for the legislation, Mr. Speaker, I must oppose this rule which provides for its consideration. The Committee on Rules majority has recommended a rule which denies the House the opportunity to fully debate the matter. This rule, in effect, forces Democratic Members to barter among themselves for which amendment to the bill might be included as a part of a Democratic substitute.

In addition, an amendment relating to homeowners and their property rights, which was brought to the committee by the gentleman from Minnesota [Mr. VENTO] was rejected by the committee Republicans. The excuse offered by the Republican majority was that there was not sufficient time to consider amendments before the House completes is business for the year. This is a very poor excuse, Mr. Speaker, for denying Members the opportunity to fully debate a matter of such importance.

I support this legislation and I will urge all Members to vote for its passage, but I am of the opinion that the consideration of one or two additional amendments would not have tied up the House and delayed our departure. Perhaps it would have been wise for the Republican leadership to have scheduled more legislative days this month and fewer district work period days. We have important business to attend to in Washington, and H.R. 1534 is just one of those important matters that should be heard and should be passed.

I have no doubt, Mr. Speaker, about the outcome of the vote on this rule, but I would like to remind my Republican colleagues once more of their pledge to open the process in this House. This legislation is seeking to clear away hurdles encountered by property owners who seek to assert their rights in court. Why then cannot the Republican majority do the same for Members of this House, and clear away the hurdles that they have erected which prevent Members from expressing their points of view?

Mr. Speaker, again, I support H.R. 1534. It is a bill which enjoys bipartisan support, and is a far cry from the takings legislation passed by this House 2 years ago. This legislation is a procedural bill which clarifies how the Federal courts should address Federal property rights claims. It seeks to bring relief to property owners, who now can spend an average of 10 years

jumping through the administrative and judicial hurdles that currently exist in order to be allowed to use their property. It is relief that is long overdue, and which can be remedied through passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I appreciate the support of the bill offered by the gentleman from Texas [Mr. FROST].

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE REFORM OF THE INTERNAL REVENUE SERVICE

(Mr. MCINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINNIS. Mr. Speaker, I have this opportunity today to talk about the Internal Revenue Service. As we know, it is great gratitude that I express to the White House, and thank the President for changing his mind, thank him for coming on board with this Republican majority here, and frankly being helped by a lot of Democrats, to force reform in the Internal Revenue Service. This is a charge that has been led by the Republican Party. It is a charge that will be seen through by the Republican Party. Now it is a charge that is going to be supported by the White House.

Why do we need reform in the Internal Revenue Service? Because that is one of the few exceptions in the judiciary process in this country where you are assumed guilty and you have to prove yourself innocent. That is one of the agencies the gentleman from Texas, Mr. ARCHER, who should receive lots of merit and lots of commendation for his leadership on this, is going to change.

It is about time that the Internal Revenue Service, when they come to your house, you are assumed innocent until the IRS proves you guilty. There are some other very basic and fundamental reforms that we are going to put through on the Internal Revenue Service. This is a great day for the taxpayers of this country. Finally they are going to have accountability from the Federal Government that works for them.

THE PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the rule that was just considered. I want to thank the Committee on Rules, particularly the gentleman from New York, Chairman SOLOMON, for the very fair approach that has been taken on this bill. The rule will allow full and open debate on a policy dispute of great significance. Again, I offer my appreciation and my support.

What is the policy dispute that is at the center of H.R. 1534? It comes down to this: Do Members of this body want to interfere for the first time with the most basic sorts of local zoning decisions? I say we should not do that, that any problems that exist with local zoning procedures ought to be remedied by State law, not by the intrusion of Federal judges.

I am more than a little bit surprised to see some of my more conservative colleagues throwing overboard their professed belief in Federalism to allow Federal judges to intrude early on in these extremely local matters.

This is not just my view. I do not stand alone in the well of this House. The bill is opposed by the National Governors' Association, by 40 States Attorneys General, including Attorney General Lundgren of California, Attorney General Vacco of New York.

The list goes on and on. It is opposed by the Judicial Conference of America, chaired by Chief Justice Rehnquist of the Supreme Court of the United States; it is opposed by the National League of Cities; by the U.S. Conference of Mayors; by all the environmental groups who, incidentally, are going to double score this bill, because of the significance of what is being proposed. The list of opponents of H.R. 1534 goes on and on. I think it is very important for all of my colleagues to really give full focus to what is being proposed.

I am not sure how anyone could claim with a straight face that this bill is ''noncontroversial''; anything but. The manager's amendment represents a decided improvement in the bill, but it does not remedy the fatal flaw. The bill still would let Federal judges interfere with far more local zoning decisions. Think about that. Do we want everything kicked upstairs to the Federal Government, where all decision-making is made here? I think the answer to that is clearly no.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, my substitute, the Boehlert substitute, is the only way to correct that flaw, because it would eliminate the portion of the bill dealing with local zoning laws.

Let me reemphasize what we are talking about. We are talking about local decisions made in local communities on whether or not, for example, to deny a permit for building in an area, if when that permit were granted it would bring in unnecessary intrusion in terms of heavy traffic, where adequate infrastructure does not exist. It happens in our home towns every single day.

Do we want decisions made for us in our home towns by Washington, DC in every single zoning issue? I think the answer is clearly no, so we have to deal with it in a different way.

We would expedite Federal court access for property owners with a claim against a Federal agency. I think that is very appropriate. I urge support of the rule and support for the Boehlert substitute. I thank the Chair for being so indulgent.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 271 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1534.

□ 1127

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

Under the rule, the gentleman from North Carolina [Mr. COBLE] and the gentlewoman from California [Ms. LOFGREN] will each control 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1534 is about Congress' duty to implement the 5th and 14th amendments to the Constitution. The U.S. Constitution protects individuals from having their private property ''taken'' by the Government without receiving just compensation.

To file a claim of a violation of that fundamental right, plaintiffs encounter several high obstacles which must be