Table, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 4, 1998, House Vote 3, H.R. 2625. Ronald Reagan National Airport—Previous Question, by Mr. SOLOMON, R-N.Y., I would have voted nay.

On February 25, 1998 House Vote 19, H.R. 1544. Federal Agency Compliance—Internal Revenue Service, by Mr. NADLER, D-N.Y., amendment, I would have voted nay.

On House Vote 20, H.R. 2181. Witness Protection—Death Penalty, by Mr. CONYERS, D-Mich., amendment, I would have voted aye.

On House Vote 21, H.R. 2181. Witness Protection—Passage, I would have voted aye.

On House Vote 22, H.R. 1544. Federal Agency Compliance—Civil Rights, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 23, H.R. 1544. Federal Agency Compliance—Foreign Entities, by Ms. JACKSON-LEE, D-Texas, amendment, I would have voted nay.

On House Vote 24, H.R. 1544. Federal Agency Compliance—Passage, I would have voted aye.

On House Vote 25, H.R. 2460. Wireless Telephone Protection—Passage, I would have voted aye.

On March 3, 1998, House Vote 26, H.R. 217. Homeless Housing Programs Consolidation—Passage, by Mr. LAZIO, R-N.Y., I would have voted aye.

On March 4, 1998, House Vote 27, H.R. 856. Puerto Rico Political Status—Rule, I would have voted aye.

On House Vote 28, H.R. 856. Puerto Rico Political Status—Spanish Language, by Mr. GUTIERREZ, D-Ill., amendment to the Solomon amendment, I would have voted nay.

On House Vote 29, H.R. 856. Puerto Rico Political Status—Languages, by Mr. BURTON, R-Ind., amendment to the Solomon, R-N.Y., amendment, I would have voted aye.

On House Vote 30, H.R. 856. Puerto Rico Political Status—English Language, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 31, Quorum Call. 405 Responded, I would have voted present.

On House Vote 32, H.R. 856. Puerto Rico Political Status—Voter Eligibility, by Mr. SERRANO, D-N.Y., amendment, I would have voted nay.

On House Vote 33, H.R. 856. Puerto Rico Political Status—Second Referendum, by Mr. STEARNS, R-Fla., amendment, I would have voted nay.

On House Vote 34, H.R. 856. Puerto Rico Political Status—Supermajority, by Mr. BARR, R-Ga., amendment, I would have voted nay.

On House Vote 35, H.R. 856. Puerto Rico Political Status—Olympics, by Mr. GUTIERREZ, D-Ill., amendment, I would have voted nay.

On House Vote 36, H.R. 856. Puerto Rico Political Status—Languages, by Mr. SOLOMON, R-N.Y., amendment, I would have voted aye.

On House Vote 37, H.R. 856. Puerto Rico Political Status—Passage, I would have voted aye.

On March 5, 1998, House Vote 38, H.R. 2369 Wireless Privacy Enhancement Act (Tauzin)—Passage, I would have voted aye.

On House Vote 39, H.R. 3130 Child Support Performance and Incentive Act—Passage, I would have voted aye.

On March 10, 1998, House Vote 40, On approving the Journal, I would have voted aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from North Carolina (Mr. BALLENGER) as a cosponsor of H.R. 3086, my bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2883, GOVERNMENT PERFORMANCE AND RESULTS ACT TECHNICAL AMENDMENTS OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–433) on the resolution (H. Res. 384) providing for consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–434) on the resolution (H. Res. 385) waiving points of order against the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

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. 992) to end the Tucker Act shuffle. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on 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. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. 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 committee amendment in the nature of a substitute. 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 Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 382 is an open rule consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule provides 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on the Judiciary.

The rule makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute, which shall be considered as read. The rule further provides that Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with the House rules.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1730

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 992 is to end the so-called Tucker Act Shuffle that can bounce private property owners between the U.S. district courts and the court of Federal claims when seeking redress against the government for the taking of their property.

The fifth amendment to the Constitution provides in part, and I quote, ''nor shall private property be taken for public use without just compensation.''

Based on the legal doctrine of sovereign immunity, the Federal Government can only be sued with its consent. In 1887, Congress passed the Tucker Act permitting money claims based on the U.S. Constitution to be brought in the court of claims. However, if a property owner would prefer not to receive compensation for the Federal Government's confiscation of property, but to challenge the government's right to confiscate the property, the owner should go to the U.S. district court.

If a property owner wishes to both challenge the appropriateness of a taking of property and pursue monetary damages arising from the taking, the owner must choose to pursue one claim before the other. Both claims, in other words, may not be pursued at the same time.

To make matters worse, the owner cannot go to the court of Federal claims until a final decision, including appeals, has been reached in the district court.

The court of Federal claims statute of limitations prevents the owner from bringing suit for more than 6 years after a claim first accrues. Thus, incredibly and through no fault of his own, under current law the property owner may be left with no legal remedy.

This problem and property rights in general are of special concern throughout the West, and in central Washington which I represent. Far too often landowners facing the prospect of long and costly litigation against the Federal Government feel they have no choice but to accept a settlement that they believe is unfair. This is wrong and it must stop; that is the goal of H.R. 992.

Mr. Speaker, the Tucker Act Shuffle Relief Act seeks to correct this injustice by granting the U.S. district courts and the court of Federal claims the power to determine all claims arising out of Federal agency actions alleged to constitute takings in violation of the fifth amendment. The property owner then would choose which court would hear his case.

Mr. Speaker, the Committee on Rules has reported an open rule in order to permit Members seeking to amend H.R. 992 the fullest possible opportunity to offer any germane amendment during floor consideration of the bill.

Accordingly, I urge my colleagues to pass not only the rule, but H.R. 992 as well.

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

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

House Resolution 382 is an open rule providing for the consideration of H.R. 992, the Tucker Act Shuffle Relief Act. The rule allows for the consideration of all germane amendments and accords priority recognition to those Members who have preprinted their amendments in the Congressional RECORD.

Mr. Speaker, it is especially important that H.R. 992 be considered under an open rule because it was a matter of some controversy during its consideration in the Committee on the Judiciary. It was reported on a vote of 17 to 13, and eight Democratic members signed dissenting views in the committee report.

H.R. 992 seeks to simplify the resolution of disputes between landowners whose property has been subject to a government taking and the Federal Government by allowing such suits to be heard in either the U.S. district court or the U.S. court of Federal claims.

Under current law, the 1887 Tucker Act, a landowner must go to the court of Federal claims in order to sue for financial award or to a U.S. district court to challenge the validity of the agency action that resulted in the taking. Opponents of this bill make the claim that this legislation simplifies and expedites the process for landowners who seek to challenge the takings of their property. However, the legislation is opposed by the United States Judicial Conference, as well as a wide array of environmental groups, because of the controversy.

I support the open rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

(Mr. BONILLA asked and was given permission to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, I rise today in support of the rule and in support of the Tucker Act Shuffle Relief Act. It is a mouthful, and to some it might sound like some popular dance step that today's young people are doing. But, in fact, it is a very old dance step that is practiced by the court system all too often.

Private property owners are forced to choose between filing a takings claim in either the U.S. court of Federal claims or Federal district court. The Tucker Act splits jurisdiction between these two courts so no one court can provide full relief to a property owner. Then what happens is, the courts wind up shuffling the property owners back and forth, bouncing them back and forth like ping pong balls between the two court systems, literally dancing around the problem and avoid ruling in the case.

This bill will stop the old song-and-dance routine by giving both courts jurisdiction over all claims relating to property rights. It would not change any current takings law. Property owners who feel they have had their property taken unfairly should be allowed to have their day in court and not spend years waiting while two courts argue over who should hear their case. I believe this will eliminate unnecessary delays and reduce court costs as well.

It is absurd for a landowner's problems to be tied up in court for sometimes up to 10 years or more, Mr. Speaker, waiting on the courts to figure out jurisdiction has forced landowners to watch their time and money waltz away. The time has come to give priority to citizens' constitutional rights over jurisdictional disputes between judges.

The right to private property is one of our most fundamental and sacred constitutional rights. That right should be respected by the Federal court system.

I encourage Members to vote for the rule and for the bill and for the right of every American to have their day in court. I would also like to commend my colleague and friend, the gentleman from Texas (Mr. SMITH) for taking a leadership role in this effort.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I also urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITATION ON FURTHER AMENDMENTS AND DEBATE ON H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT OF 1997, ON THURSDAY, MARCH 12, 1998

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 992 in the Committee of the Whole, pursuant to House Resolution 382, after the legislative day of today, no further debate or amendments to the committee amendment in the nature of a substitute shall be in order except as stated below.

On the legislative day of Thursday, March 12, the amendment by Representative WATT of North Carolina, if offered today, shall be further debatable for 20 minutes equally divided and controlled by Representative WATT and an opponent.

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