

NAYS—209

Ackerman	Hastings (FL)	Pascrell
Allen	Hill (IN)	Pastor
Andrews	Hilleary	Paul
Baird	Hilliard	Payne
Baker	Hinchey	Pelosi
Baldacci	Hinojosa	Peterson (MN)
Barcia	Hoeffel	Phelps
Barr	Holden	Pitts
Barrett (WI)	Holt	Pomeroy
Becerra	Hooley	Price (NC)
Bentsen	Hoyer	Rahall
Berkley	Inslee	Ramstad
Berman	Jackson (IL)	Rangel
Berry	Jackson-Lee	Reyes
Bishop	(TX)	Rivers
Blagojevich	Jefferson	Rodriguez
Bonior	John	Roemer
Borski	Johnson, E. B.	Rothman
Boswell	Jones (OH)	Roybal-Allard
Boucher	Kanjorski	Rush
Boyd	Kaptur	Sabo
Brady (PA)	Kennedy	Salmon
Brown (FL)	Kildee	Sanchez
Brown (OH)	Kilpatrick	Sanders
Capps	Kind (WI)	Sandlin
Capuano	Kleczka	Sawyer
Cardin	Klink	Scarborough
Carson	Kucinich	Schaffer
Chabot	Lampson	Schakowsky
Clay	Lantos	Scott
Clayton	Larson	Serrano
Clement	Lee	Sherman
Clyburn	Levin	Shows
Conyers	Lewis (GA)	Sisisky
Costello	Lipinski	Skelton
Coyne	Lofgren	Slaughter
Cramer	Lowe	Smith (WA)
Crowley	Lucas (KY)	Snyder
Cummings	Maloney (CT)	Spratt
Danner	Maloney (NY)	Stabenow
Davis (FL)	Markey	Stark
Davis (IL)	Martinez	Stenholm
DeFazio	Mascara	Strickland
DeGette	McCarthy (MO)	Stupak
Delahunt	McCarthy (NY)	Tanner
DeLauro	McGovern	Tauscher
Deutsch	McIntyre	Taylor (MS)
Dicks	McKinney	Thompson (CA)
Dingell	Meehan	Thompson (MS)
Dixon	Meek (FL)	Tiahrt
Doggett	Meeks (NY)	Tierney
Dooley	Menendez	Toomey
Doyle	Millender-McDonald	Towns
Duncan	Miller, George	Traficant
Edwards	Minge	Turner
Eshoo	Mink	Udall (CO)
Etheridge	Moakley	Udall (NM)
Evans	Mollohan	Velazquez
Farr	Moore	Vento
Fattah	Moran (VA)	Visclosky
Filner	Murtha	Waters
Ford	Nadler	Watt (NC)
Gejdenson	Napolitano	Weiner
Gephardt	Neal	Wexler
Gonzalez	Oberstar	Weygand
Goode	Obey	Wise
Gordon	Olver	Woolsey
Green (TX)	Ortiz	Wu
Gutierrez	Owens	Wynn
Hall (OH)	Pallone	
Hall (TX)		

NOT VOTING—16

Baldwin	Frank (MA)	McNulty
Brown (CA)	Frost	Peterson (PA)
Burton	Gilchrist	Sanford
Chenoweth	Latham	Thurman
Coble	Luther	
Cooksey	McDermott	

□ 2335

Messrs. BERMAN, HALL of Ohio, STENHOLM, DINGELL, Ms. BROWN of Florida, and Messrs. DIXON, BOYD and LAMPSON changed their vote from "yea" to "nay."

Messrs. GOODLATTE, WATKINS, and METCALF changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees from the Committee on House Administration, for consideration of section 1303 of the Senate bill and modifications committed to conference:

Messrs. THOMAS, BOEHNER and HOYER. There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 254, VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

Mr. PORTMAN. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 249) returning to the Senate the bill S. 254.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That the bill of the Senate (S. 254) entitled the "Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectively returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

Pursuant to clause 2(a)(2) of rule IX, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

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

(Mr. PORTMAN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. PORTMAN. Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 254 of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. S. 254 contains an import ban and thus contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 702 of S. 254 would impose the ban by amending section 922(w) of Title 18, U.S. Code, to make it unlawful to import large capacity ammunition feeding devices.

□ 2340

While violators would be subject to criminal penalties, existing tariff laws

also generally provide that merchandise introduced into the United States contrary to law is subject to seizure and forfeiture. Therefore, by criminalizing the importation of these items, the amendment would cause the merchandise to be denied entry into the United States by these Customs officers at the border. This proposed change in law would be identical in law in operation, Mr. Speaker, to a direct import ban.

Further, the items covered by the amendment includes items that are subject to duty and Customs in fact collects measurable amounts of duty on them.

Accordingly, the change in law would have a direct impact on Customs revenues. The provision, therefore, is revenue affecting and constitutes a revenue measure in the constitutional sense. On that basis, I am asking that the House insist on its constitutional prerogatives.

Mr. Speaker, there are numerous precedents for the action I am requesting. For example, on October 22, 1991, the House returned to the Senate S. 1241, the Violent Crime Act of 1991, containing, among other things, a provision amending Section 922 of Title 18 U.S.C. making it illegal to transport or possess assault weapons.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. In fact, the House spoke on this issue when it recently approved an identical proposal made by our colleague and chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

This proposed action, thus, is strictly procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures, a point on which there has been longstanding and bipartisan agreement.

It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit. This will allow this legislation to proceed forward to conference in an orderly and expeditious manner.

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

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

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

Mr. RANGEL. Mr. Speaker, unfortunately, this resolution is necessary because the Constitution requires that revenue legislation originate in the House of Representatives.

Our action tonight is not a rejection of the merits of the Senate's so-called "ammo ban provisions." Rather, their so-called "blue slip" simply makes it clear to the Senate that the appropriate procedure for dealing with tax and tariff matters that affect revenues is for the House to act first and the Senate to add its amendment and to seek a conference.