

The President's aviation user fee proposal is highly unfair to aviation users, and it should be rejected.

COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE (SEC. 821)

The President's proposal to charge "user fees" to vessel operators for navigational assistance is simply another "revenue raiser", or tax, and not a true user fee.

Furthermore, section 207 of the Coast Guard Authorization Act of 1998, signed into law by the President last November, prohibits any new maritime user fee through September 30, 2001.

Despite the statutory prohibition against his proposal, the President assumed collection of \$41 million in fiscal year 2000 from maritime user fees.

RAIL SAFETY INSPECTION USER FEES (SEC. 861)

Administration proposal for full offset of Federal Railroad Administration costs (\$87 million in FY 2000) is a rewarmed version of a law Congress specifically refused to extend in 1995 because of its unfairness and serious economic damage to smaller railroads.

Extensive hearing record before the Transportation and Infrastructure Committee showed that some small railroads were paying up to 17 percent of net income in user fees to support the Federal Railroad Administration; the administration's proposal to reinstate and expand these fees in very unfriendly to small business.

Other forms of transport do not pay the full cost of safety enforcement activities through user fees; these fees would not cover just enforcement, but even activities such as R&D.

SURFACE TRANSPORTATION BOARD USER FEES (SEC. 851)

This proposal would require full offset of STB's \$17 million budget through "user fees." But who are the "users"? The administration proposal does not even attempt to identify who would pay the fees: the railroads, the truckers, any shipper who does file a complaint, any shipper who might file a complaint? there is also no standard for setting the fees, other than being "fair and equitable." In all probability, this proposal would be found unconstitutional for excessive delegation and/or vagueness.

STB already offsets several million dollars of its costs through existing title 31 fees, such as for filing proceedings at the Agency. These have been increased substantially in recent years, resulting in numerous complaints from shippers about the excessive costs and deterrent effect on utilizing remedies at the STB. The administration proposal would necessarily increase the overall fee burden to over 5 times its present level.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

Mr. TERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 0, nays 419, answered "present" 5, not voting 9, as follows:

[Roll No. 511]

NAYS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Army
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkeley
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehkert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey

Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinches
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)

Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Green (TX)
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalfe
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northrup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor

Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryan (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer

Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—5

Berman
Blumenauer
Buyer
Camp
Jefferson

Capuano
Frank (MA)
Johnson (CT)
Lewis (GA)
Martinez

Meehan

NOT VOTING—9

Buyer
Camp
Jefferson

Johnson (CT)
Lewis (GA)
Martinez

Ros-Lehtinen
Rush
Scarborough

□ 1442

Mrs. CHENOWETH-HAGE, and Messrs. DICKEY, HOBSON, SMITH of Michigan, BRYANT, SHERMAN, WATKINS, SPENCE, OLVER, DOGGETT, GILMAN, CONYERS, KNOLLENBERG and MEEKS of New York changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

FINANCIAL FREEDOM ACT OF 1999

Mr. CARDIN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. CARDIN moves to discharge the Committee on Ways and Means from further consideration of H.R. 2488, the Taxpayer Refund and Relief Act of 1999.

The SPEAKER pro tempore. The motion is privileged for consideration at this time.

□ 1445

MOTION TO TABLE OFFERED BY MR. TERRY

Mr. TERRY. Mr. Speaker, I offer a motion to lay on the table this motion to discharge.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. TERRY moves that the House lay on the table the motion to discharge.

PARLIAMENTARY INQUIRY

Mr. CARDIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. CARDIN. Mr. Speaker, am I correct that, if this motion to table does not carry, the House would then debate for 1 hour my motion; and that if it carried, the House would then have an opportunity to vote either to sustain or override the President's veto on the Taxpayer Refund Relief Act of 1999?

The SPEAKER pro tempore. The adoption of the motion to table would constitute a final adverse disposition today of the motion to discharge without debate.

Mr. CARDIN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Nebraska (Mr. TERRY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 15, as follows:

[Roll No. 512]

AYES—215

Aderholt	Cubin	Hayes
Archer	Cunningham	Hayworth
Armey	Davis (VA)	Hefley
Bachus	Deal	Hergert
Baker	DeLay	Hill (MT)
Ballenger	DeMint	Hilleary
Barr	Diaz-Balart	Hobson
Barrett (NE)	Dickey	Hoekstra
Bartlett	Doolittle	Horn
Barton	Dreier	Hostettler
Bass	Duncan	Houghton
Bateman	Dunn	Hulshof
Bereuter	Ehlers	Hunter
Biggert	Ehrlich	Hutchinson
Bilbray	Emerson	Hyde
Bilirakis	English	Isakson
Bliley	Everett	Istook
Blunt	Ewing	Jenkins
Boehrlert	Fletcher	Johnson, Sam
Boehner	Foley	Jones (NC)
Bonilla	Fossella	Kasich
Bono	Fowler	Kelly
Brady (TX)	Franks (NJ)	King (NY)
Bryant	Frelinghuysen	Kingston
Burr	Galleghy	Knollenberg
Burton	Ganske	Kolbe
Callahan	Gekas	Kuykendall
Calvert	Gibbons	LaHood
Campbell	Gilchrest	Largent
Canady	Gillmor	Latham
Cannon	Gilman	Lazio
Castle	Goode	Leach
Chabot	Goodlatte	Lewis (CA)
Chambliss	Goodling	Lewis (KY)
Chenoweth-Hage	Goss	Linder
Coble	Graham	LoBiondo
Coburn	Granger	Lucas (OK)
Collins	Green (WI)	Manzullo
Combest	Greenwood	McCollum
Cook	Gutknecht	McCreary
Cooksey	Hall (TX)	McHugh
Cox	Hansen	McInnis
Crane	Hastings (WA)	McIntosh

McKeon	Riley	Sununu
Metcalf	Rogan	Sweeney
Mica	Rogers	Talent
Miller (FL)	Rohrabacher	Tancredo
Miller, Gary	Roukema	Tauzin
Moran (KS)	Royce	Taylor (NC)
Morella	Ryan (WI)	Terry
Myrick	Ryun (KS)	Thomas
Nethercutt	Salmon	Thornberry
Ney	Sanford	Thune
Northup	Saxton	Tiahrt
Norwood	Schaffer	Toomey
Nussle	Sensenbrenner	Upton
Ose	Sessions	Vitter
Oxley	Shadegg	Walden
Packard	Shaw	Walsh
Paul	Shays	Wamp
Pease	Sherwood	Watkins
Peterson (PA)	Shimkus	Watts (OK)
Petri	Shuster	Weldon (FL)
Pickering	Simpson	Weldon (PA)
Pitts	Skeen	Weller
Pombo	Smith (MI)	Whitfield
Portman	Smith (NJ)	Wicker
Pryce (OH)	Smith (TX)	Wilson
Quinn	Souder	Wolf
Ramstad	Spence	Young (AK)
Regula	Stearns	Young (FL)
Reynolds	Stump	

NOES—203

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

Wexler	Wise	Wu
Weygand	Woolsey	Wynn

NOT VOTING—15

Buyer	Kennedy	Porter
Camp	LaTourette	Radanovich
Gutierrez	Lewis (GA)	Ros-Lehtinen
Jefferson	Martinez	Rush
Johnson (CT)	McDermott	Scarborough

□ 1503

So the motion to table was agreed to. The result of the vote was announced as above recorded.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 512, a motion to table the Cardin of Maryland motion to discharge the Committee on Ways and Means of the veto referral of H.R. 2488—the tax-payer relief Act—had I been present, I would have voted “no.”

BANKING AND HOUSING AGENCY ACCOUNTABILITY PRESERVATION ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Banking and Housing Agency Accountability Preservation Act”.

SEC. 2. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f-18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 24(l) of the United States Housing Act of 1937 (42 U.S.C. 1437v(1)).

(9) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3780).

(10) Section 232(j) of the National Housing Act (12 U.S.C. 1715w(j)).

(11) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o) and section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(12) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(13) Section 113(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5313(a)).